

**NONSUBSTANTIVE ADDITIONS TO, REVISIONS OF, AND
CORRECTIONS IN ENACTED CODES, TO THE
NONSUBSTANTIVE CODIFICATION OR DISPOSITION OF
VARIOUS LAWS OMITTED FROM ENACTED CODES, AND TO
CONFORMING CODIFICATIONS ENACTED BY THE 84TH
LEGISLATURE TO OTHER ACTS OF THAT LEGISLATURE**

CHAPTER 324

S.B. No. 1488

AN ACT

relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 84th Legislature to other Acts of that legislature.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.001. This Act is enacted as part of the state's continuing statutory revision program under Chapter 323, Government Code. This Act is a revision for purposes of Section 43, Article III, Texas Constitution, and has the purposes of:

- (1) codifying without substantive change or providing for other appropriate disposition of various statutes that were omitted from enacted codes;
- (2) conforming codifications enacted by the 84th Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;
- (3) revising without substantive change provisions in enacted codes;
- (4) making necessary corrections to enacted codes; and
- (5) renumbering or otherwise redesignating titles, chapters, and sections of codes that duplicate title, chapter, or section designations.

SECTION 1.002. (a) The repeal of a statute by this Act does not affect an amendment, revision, or reenactment of the statute by the 85th Legislature, Regular Session, 2017. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(b) If any provision of this Act conflicts with a statute enacted by the 85th Legislature, Regular Session, 2017, the statute controls.

SECTION 1.003. (a) A transition or saving provision of a law codified by this Act applies to the codified law to the same extent as it applied to the original law.

(b) The repeal of a transition or saving provision by this Act does not affect the application of the provision to the codified law.

(c) In this section, "transition provision" includes any temporary provision providing for a special situation in the transition period between the existing law and the establishment or implementation of the new law.

SECTION 1.004. (a) The repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. The validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031, Government Code.

ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

SECTION 2.001. The heading to Chapter 47, Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular

Session, 2013, to read as follows:

CHAPTER 47. TEXAS ~~[OYSTER AND]~~ SHRIMP MARKETING ASSISTANCE
PROGRAM

SECTION 2.002. The heading to Subchapter B, Chapter 47, Agriculture Code, is repealed to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 2.003. Section 47.051, Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 47.051. DEFINITIONS. In this *chapter* ~~[subchapter]~~:

- (1) "Advisory committee" means the shrimp advisory committee.
- (2) "Coastal waters" means all the salt water of the state, including the portion of the Gulf of Mexico that is within the jurisdiction of the state.
- (3) "Program" means the Texas shrimp marketing assistance program.
- (4) "Shrimp marketing account" means the account in the general revenue fund established under Section 77.002(b), Parks and Wildlife Code.
- (5) "Texas-produced shrimp" means wild-caught shrimp commercially harvested from coastal waters by a shrimp boat licensed by the Parks and Wildlife Department.

SECTION 2.004. Section 47.053(a), Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

(a) The commissioner shall appoint a shrimp advisory committee to assist the commissioner in implementing the program established under this *chapter* ~~[subchapter]~~ and in the expenditure of funds appropriated for the purpose of this *chapter* ~~[subchapter]~~.

SECTION 2.005. Section 50D.021(e), Agriculture Code, is amended to read as follows:

(e) Subject to Section 50D.026, *the* research committee is subject to Chapters 551 and 2001, Government Code.

ARTICLE 3. CHANGES RELATING TO BUSINESS & COMMERCE CODE

SECTION 3.001. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (1) passing off goods or services as those of another;
- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) using deceptive representations or designations of geographic origin in connection with goods or services;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;
- (6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparaging the goods, services, or business of another by false or misleading representation of facts;

- (9) advertising goods or services with intent not to sell them as advertised;
- (10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;
- (11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;
- (14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
- (15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty or guaranty, if any;
- (16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;
- (17) advertising of any sale by fraudulently representing that a person is going out of business;
- (18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:
 - (A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;
 - (B) the seller does not represent that the card provides insurance coverage of any kind; and
 - (C) the discount is not false, misleading, or deceptive;
- (19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;
- (20) representing that a guaranty or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;
- (21) promoting a pyramid promotional scheme, as defined by Section 17.461;
- (22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;
- (23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in

which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act;

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

(29) ~~[(28)]~~ delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

(30) ~~[(29)]~~ delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

(31) ~~[(30)]~~ in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; or

(32) ~~[(31)]~~ a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed

public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured.

ARTICLE 4. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES
CODE

SECTION 4.001. Section 91A.001, Civil Practice and Remedies Code, is amended to conform to changes made by Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 91A.001. DEFINITIONS. In this chapter:

(1) "Audiologist" means an individual licensed to practice audiology by the *Texas Department of Licensing and Regulation* [~~State Board of Examiners of Speech-Language Pathology and Audiology~~].

(2) "Speech-language pathologist" means an individual licensed to practice speech-language pathology by the *Texas Department of Licensing and Regulation* [~~State Board of Examiners for Speech-Language Pathology and Audiology~~].

ARTICLE 5. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

SECTION 5.001. Articles 17.033(c) and (d), Code of Criminal Procedure, are amended to correct a reference to read as follows:

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a) [~~-(a-1)-~~] or (b) for not more than 72 hours after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

(d) The time limits imposed by Subsections (a) [~~-(a-1)-~~] and (b) do not apply to a person arrested without a warrant who is taken to a hospital, clinic, or other medical facility before being taken before a magistrate under Article 15.17. For a person described by this subsection, the time limits imposed by Subsections (a) [~~-(a-1)-~~] and (b) begin to run at the time, as documented in the records of the hospital, clinic, or other medical facility, that a physician or other medical professional releases the person from the hospital, clinic, or other medical facility.

SECTION 5.002. Article 45.0216(f), Code of Criminal Procedure, is amended to correct a reference to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and,

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~], Family Code, while the person was a child.

SECTION 5.003. Article 56.021(d), Code of Criminal Procedure, as added by Chapter 1032 (H.B. 1447), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Article 56.021(d), Code of Criminal Procedure, as added by Chapter 1153 (S.B. 630), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 6. CHANGES RELATING TO EDUCATION CODE

SECTION 6.001. Section 25.007(b), Education Code, as amended by Chapters 746 (H.B. 1804), 822 (H.B. 3748), and 1206 (S.B. 1494), Acts of the 84th Legislature, Regular

Session, 2015, is reenacted and amended to read as follows:

(b) In recognition of the challenges faced by students who are homeless or in substitute care, the agency shall assist the transition of students who are homeless or in substitute care from one school to another by:

(1) ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;

(2) developing systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school;

(3) developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;

(4) promoting practices that facilitate access by a student who is homeless or in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under Chapter 30A, and after-school tutoring programs at nominal or no cost;

(5) establishing procedures to lessen the adverse impact of the movement of a student who is homeless or in substitute care to a new school;

(6) entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;

(7) encouraging school districts and open-enrollment charter schools to provide services for a student who is homeless or in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;

(8) requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student who is homeless or in substitute care by a school previously attended by the student;

(9) requiring school districts, campuses, and open-enrollment charter schools to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:

(A) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;

(B) admission, review, and dismissal committee meetings;

(C) manifestation determination reviews required by Section 37.004(b);

(D) any disciplinary actions under Chapter 37 for which parental notice is required;

(E) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;

(F) reports of restraint and seclusion required by Section 37.0021; and

(G) use of corporal punishment as provided by Section 37.0011;

(10) developing procedures for allowing a student who is homeless or in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

(11) ensuring that a student who is homeless or in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the district, has the student's course credit accrual and personal graduation plan reviewed;

(12) ensuring that a student in substitute care who is in grade 11 or 12 be provided information regarding tuition and fee exemptions under Section 54.366 for dual-credit

or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit; ~~and~~

(13) designating at least one agency employee to act as a liaison officer regarding educational issues related to students in the conservatorship of the Department of Family and Protective Services; and

(14) ~~(13)~~ providing other assistance as identified by the agency.

SECTION 6.002. Section 26.002, Education Code, is amended to correct a reference to read as follows:

Sec. 26.002. DEFINITION. In this chapter, "parent" includes a person standing in parental relation. The term does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Title 2 of this code and all educational rights under Section 151.001(a)(10) ~~[151.003(a)(10)]~~, Family Code, shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

SECTION 6.003. Section 38.158(b), Education Code, is amended to conform to changes made by Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(b) The *Texas Department of Licensing and Regulation* ~~[State Health Services Advisory Board of Athletic Trainers]~~ shall approve for athletic trainers training courses in the subject matter of concussions and shall maintain an updated list of individuals and organizations authorized by the board to provide the training.

SECTION 6.004. Sections 61.806(c) and (d), Education Code, as amended by Chapter 443 (S.B. 715), Acts of the 83rd Legislature, Regular Session, 2013, are repealed to conform to the repeal of Subchapter Q, Chapter 61, Education Code, by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 6.005. Section 61.833(a), Education Code, is amended to read as follows:

(a) In this section:[]

(1) "~~Lower-division~~ ~~[lower-division]~~ institution of higher education" means a public junior college, public state college, or public technical institute. ~~[-and]~~

(2) "~~Reverse~~ ~~[reverse]~~ transfer data sharing platform" means:

(A) the National Student Clearinghouse; or

(B) a similar national electronic data sharing and exchange platform operated by an agent of the institution that meets nationally accepted standards, conventions, and practices.

SECTION 6.006. Section 130.008(g), Education Code, as added by Chapter 1177 (S.B. 1004), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 130.008(g-1), Education Code, and amended to conform to the repeal of Section 130.008(f), Education Code, by Chapter 90 (H.B. 505), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(g-1) ~~(g)~~ A public junior college with a service area located wholly or partly in a county with a population of more than three million shall enter into an agreement with each school district located wholly or partly in a county with a population of more than three million to offer one or more courses as provided by this section. A student enrolled in a school district to which this subsection applies may enroll in a course at any junior college that has entered into an agreement with the district to offer the course under this subsection. ~~[Subsection (f) does not apply to a student who seeks to enroll in a course under this subsection.]~~

SECTION 6.007. The heading to Chapter 143, Education Code, is repealed to conform to the repeal and redesignation of the provisions of that chapter by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

SECTION 7.001. Subtitle E, Title 2, Family Code, as added by Chapters 612 (S.B. 822) and 1165 (S.B. 813), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

SUBTITLE E. GENERAL PROVISIONS

CHAPTER 47. GENERAL PROVISIONS

Sec. 47.001. APPLICABILITY OF DEFINITIONS. (a) Except as provided by Subsection (b), the definitions in Chapter 101 apply to terms used in this title.

(b) If a term defined in this title has a meaning different from the meaning provided by Chapter 101, the meaning provided by this title prevails.

Sec. 47.002. APPLICABILITY OF LAWS RELATING TO ATTORNEYS AD LITEM, GUARDIANS AD LITEM, AND AMICUS ATTORNEYS. Chapter 107 applies to the appointment of an attorney ad litem, guardian ad litem, or amicus attorney under this title.

Sec. 47.003 [47.004]. USE OF DIGITIZED SIGNATURE. (a) A digitized signature on an original petition or application under this title or any other pleading or order in a proceeding under this title satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

(b) A digitized signature under this section may be applied only by, and must remain under the sole control of, the person whose signature is represented.

~~[(c) In this section, "digitized signature" has the meaning assigned by Section 101.0096.]~~

SECTION 7.002. Section 51.03(b), Family Code, as amended by Chapters 935 (H.B. 2398), 944 (S.B. 206), and 1273 (S.B. 825), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) ~~[(6)]~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a) or (b), Penal Code; or

(6) ~~[(7)]~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION 7.003. Section 51.13(e), Family Code, is amended to correct a reference to read as follows:

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~ is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION 7.004. Section 54.0404(a), Family Code, is amended to correct a reference to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 7.005. Section 58.003(c-3), Family Code, is amended to correct a reference to read as follows:

(c-3) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court, on the court's own motion and without a hearing, shall order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~ or taken into custody to determine whether the child engaged in conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~. This subsection applies only to records related to conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~.

SECTION 7.006. Section 261.3023, Family Code, as amended by Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT. If a law enforcement officer encounters a child or other person ~~[including a child]~~ listed on the Texas Crime Information Center's child safety check alert list, the law enforcement officer shall follow the procedures described by Article 2.272, Code of Criminal Procedure.

SECTION 7.007. Section 261.3024(a), Family Code, as amended by Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) A law enforcement officer who locates a child listed on the Texas Crime Information Center's child safety check alert list shall report that the child has been located in the manner prescribed by Article 2.272, Code of Criminal Procedure.

SECTION 7.008. Section 262.353(d), Family Code, as amended by Chapters 837 (S.B. 200) and 946 (S.B. 277), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 262.353, Family Code, by Chapter 432 (S.B. 1889), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 7.009. (a) Section 263.306(a-1), Family Code, is amended to conform to the amendment of Section 263.306(a), Family Code, by Chapter 697 (H.B. 825), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a-1) At each permanency hearing before a final order is rendered, the court shall:

(1) identify all persons and parties present at the hearing;

(2) review the efforts of the department or other agency in:

(A) locating and requesting service of citation on all persons entitled to service of citation under Section 102.009; and

(B) obtaining the assistance of a parent in providing information necessary to locate an absent parent, alleged father, or relative of the child;

(3) *ask all parties present whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated;*

(4) review the extent of the parties' compliance with temporary orders and the service plan and the extent to which progress has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care;

(5) ~~[(4)]~~ review the permanency progress report to determine:

(A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;

(B) the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;

(C) the appropriateness of the primary and alternative permanency goals for the child developed in accordance with department rule and whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child;

(D) whether the child has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;

(E) for a child receiving psychotropic medication, whether the child:

(i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;

(F) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there have been major changes in the child's school performance or there have been serious disciplinary events;

(G) for a child 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community; and

(H) for a child whose permanency goal is another planned permanent living arrangement:

(i) the desired permanency outcome for the child, by asking the child; and

(ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why it continues to not be in the best interest of the child to:

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

(d) be placed with a fit and willing relative;

(6) ~~[(5)]~~ determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;

(7) ~~[(6)]~~ estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship; and

(8) ~~[(7)]~~ announce in open court the dismissal date and the date of any upcoming hearings.

(b) Section 263.306(c), Family Code, is amended to conform to the amendment of Section 263.306, Family Code, by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(c) In addition to the requirements of Subsection (a-1) ~~[(a)]~~, at each permanency hearing *before a final order is rendered* the court shall review the department's efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

(c) Section 263.306(a), Family Code, is repealed to conform to the repeal of Section 263.306(a), Family Code, by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 7.010. Section 264.017, Family Code, as added by Chapter 713 (H.B. 1217), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Section 264.017, Family Code, as added by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 7.011. Section 264.304(c), Family Code, as amended by Chapter 935 (H.B.

2398), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 264.304, Family Code, by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

PART A. GENERAL CHANGES

SECTION 8.001. Section 126.001(b), Government Code, as transferred and redesignated from Section 169A.001, Health and Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts of the 84th Legislature, Regular Session, 2015, and as amended by Chapters 604 (S.B. 536), 770 (H.B. 2299), and 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) If a defendant successfully completes a commercially sexually exploited persons court program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time has elapsed, and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, as if the defendant had received a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program.

SECTION 8.002. Section 126.002(a), Government Code, as transferred and redesignated from Section 169A.002, Health and Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts of the 84th Legislature, Regular Session, 2015, and as amended by Chapters 604 (S.B. 536) and 1273 (S.B. 825), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a commercially sexually exploited persons court program for defendants charged with an offense under Section 43.02(a), Penal Code.

SECTION 8.003. Section 402.035(c), Government Code, as amended by Chapters 146 (H.B. 188), 332 (H.B. 10), and 734 (H.B. 1549), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(c) The task force is composed of the following:

- (1) the governor or the governor's designee;
- (2) the attorney general or the attorney general's designee;
- (3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;
- (4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
- (5) the commissioner of the Department of State Health Services or the commissioner's designee;
- (6) the public safety director of the Department of Public Safety or the director's designee;
- (7) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:
 - (A) the Texas Workforce Commission;
 - (B) the Texas Department of Criminal Justice;
 - (C) the Texas Juvenile Justice Department;
 - (D) the Texas Education Agency;
 - (E) ~~(D)~~ the Texas Alcoholic Beverage Commission;

- (F) the Texas Parks and Wildlife Department; and
- (G) the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families; and
- (8) as appointed by the attorney general:
 - (A) a chief public defender employed by a public defender's office, as defined by Article 26.044(a), Code of Criminal Procedure, or an attorney designated by the chief public defender;
 - (B) an attorney representing the state;
 - (C) a representative of:
 - (i) a hotel and motel association;
 - (ii) a district and county attorneys association;
 - (iii) a state police association; and
 - (iv) a statewide medical association;
 - (D) representatives of sheriff's departments;
 - (E) representatives of local law enforcement agencies affected by human trafficking; and
 - (F) representatives of nongovernmental entities making comprehensive efforts to combat human trafficking by:
 - (i) identifying human trafficking victims;
 - (ii) providing legal or other services to human trafficking victims;
 - (iii) participating in community outreach or public awareness efforts regarding human trafficking;
 - (iv) providing or developing training regarding the prevention of human trafficking; or
 - (v) engaging in other activities designed to prevent human trafficking.

SECTION 8.004. Section 402.035(d), Government Code, as amended by Chapters 146 (H.B. 188) and 332 (H.B. 10), Acts of the 84th Legislature, Regular Session, 2015, is re-enacted and amended to read as follows:

- (d) The task force shall:
 - (1) collaborate, as needed to fulfill the duties of the task force, with:
 - (A) United States *attorneys' offices* [~~Attorneys' Offices~~] for all of the federal districts of Texas; and
 - (B) special agents or customs and border protection officers and border patrol agents of:
 - (i) the Federal Bureau of Investigation;
 - (ii) the United States Drug Enforcement Administration;
 - (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
 - (iv) United States Immigration and Customs Enforcement; or
 - (v) the United States Department of Homeland Security;
 - (2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);
 - (3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);
 - (4) ensure that each state or local governmental agency and political subdivision of

the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

- (A) the number of investigations concerning, arrests and prosecutions for, and convictions of:
 - (i) the offense of trafficking of persons;
 - (ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and
 - (iii) an offense punishable under Section 43.02(c)(3), Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;
 - (B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;
 - (C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;
 - (D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and
 - (E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;
- (5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;
 - (6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:
 - (A) develop a list of key indicators that a person is a victim of human trafficking;
 - (B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
 - (C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
 - (D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and
 - (E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;
 - (7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;
 - (8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;
 - (9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses; ~~and~~

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age; *and*

(13) ~~[(12)]~~ identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

SECTION 8.005. Section 411.122(d), Government Code, is amended to conform to changes made by Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(d) The following state agencies are subject to this section:

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) Department of State Health Services, except as provided by Section 411.110, and agencies attached to the department, including:
 - (A) ~~[Texas State Board of Examiners of Dietitians;~~
 - ~~[(B)]~~ Texas State Board of Examiners of Marriage and Family Therapists;
 - (B) ~~[(C)]~~ Midwifery Board;
 - ~~[(D)]~~ Texas State Perfusionist Advisory Committee;
 - ~~[(E)]~~ Texas State Board of Examiners of Professional Counselors; *and*
 - (C) ~~[(F)]~~ Texas State Board of Social Worker Examiners;
 - ~~[(G)]~~ State Board of Examiners for Speech-Language Pathology and Audiology;
 - ~~[(H)]~~ Advisory Board of Athletic Trainers;
 - ~~[(I)]~~ State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
 - ~~[(J)]~~ Texas Board of Licensure for Professional Medical Physicists; *and*
 - ~~[(K)]~~ Texas Board of Orthotics and Prosthetics;
- (9) Texas Board of Professional Land Surveying;
- (10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
- (11) Texas Commission on Environmental Quality;
- (12) Texas Board of Occupational Therapy Examiners;
- (13) Texas Optometry Board;
- (14) Texas State Board of Pharmacy;

- (15) Texas Board of Physical Therapy Examiners;
- (16) Texas State Board of Plumbing Examiners;
- (17) Texas State Board of Podiatric Medical Examiners;
- (18) Texas State Board of Examiners of Psychologists;
- (19) Texas Real Estate Commission;
- (20) Texas Department of Transportation;
- (21) State Board of Veterinary Medical Examiners;
- (22) Texas Department of Housing and Community Affairs;
- (23) secretary of state;
- (24) state fire marshal;
- (25) Texas Education Agency;
- (26) Department of Agriculture; and
- (27) Texas Department of Motor Vehicles.

SECTION 8.006. Section 434.017(a), Government Code, as amended by Chapters 160 (H.B. 1584) and 821 (H.B. 3710), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The fund for veterans' assistance is a special fund in the state treasury outside the general revenue fund. The fund is composed of:

- (1) money transferred to the fund at the direction of the legislature;
- (2) gifts and grants contributed to the fund;
- (3) the earnings of the fund;
- (4) money transferred to the fund from proceeds of the lottery game operated under Section 466.027 or transferred to the fund under Section 466.408(b);
- (5) money deposited to the credit of the fund under Section 502.1746, Transportation Code;
- (6) money deposited to the credit of the fund under Section 521.010, Transportation Code; ~~and~~
- (7) money deposited to the credit of the fund under Section 12.007, Parks and Wildlife Code; *and*
- (8) ~~[(7)]~~ money deposited to the credit of the fund under Section 411.1741.

SECTION 8.007. Section 437.355(a), Government Code, as amended by Chapters 144 (H.B. 115) and 760 (H.B. 2108), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) The governor or adjutant general, if delegated the authority, may adopt policies and regulations relating to awarding:

- (1) the Texas Purple Heart Medal, which shall be awarded to a service member who:
 - (A) after September 11, 2001:
 - (i) was inducted into federal service from the Texas National Guard; and
 - (ii) meets the criteria for an award of the federal Purple Heart Medal; or
 - (B) was wounded or killed at Fort Hood on November 5, 2009;
- (2) the Texas Superior Service Medal, which shall be awarded to:
 - (A) a service member of the Texas military forces who has:
 - (i) completed 30 or more years of honorable state service or a combination of state and federal service; and
 - (ii) continually demonstrated superior performance and service while assigned to key leadership positions demanding responsibility; or

- (B) a civilian who has contributed significant service to the Texas military forces;
- (3) the Lone Star Distinguished Service Medal, which shall be awarded to a member of the military forces of this state, another state, or the United States for exceptionally outstanding achievement or service to this state in performance of a duty of great responsibility while serving with the Texas military forces for whom the department receives a letter of recommendation for award of the Lone Star Distinguished Service Medal that:
 - (A) gives an account of the exceptional achievement or service; and
 - (B) includes facts and photographs, and extracts from official documents to support and amplify the facts;
- (4) the Texas Outstanding Service Medal, which shall be awarded to a service member of the military forces of this state, another state, or the United States who has performed service in a superior and clearly outstanding manner;
- (5) the Texas Humanitarian Service Medal, which shall be awarded to a service member who:
 - (A) does not meet the criteria for an award of the federal Humanitarian Service Medal;
 - (B) is a member of the Texas military forces; and
 - (C) while serving on state active duty or active duty under state authority in accordance with Title 32, United States Code, participates satisfactorily in defense support to a mission under civilian authority to protect life or property during or soon after a natural disaster or civil unrest in the state;
- (6) the Texas Homeland Defense Service Medal, which shall be awarded to a service member of the Texas military forces who served:
 - (A) on or after September 11, 2001;
 - (B) on state active duty or active duty under state authority in accordance with Title 32, United States Code; and
 - (C) satisfactorily in defense support to a mission in the state under civilian authority;
- (7) the Federal Service Medal, which shall be awarded to a service member who was inducted into federal service from the Texas military forces between June 15, 1940, and January 1, 1946, or after June 1, 1950, if the service was for more than 90 days;
- (8) the Texas Combat Service Ribbon, which shall be awarded to a service member of the Texas National Guard who served, after September 11, 2001, in a hostile fire zone as designated by the United States secretary of defense;
- (9) the Texas Faithful Service Medal, which shall be awarded to a member of the Texas military forces who has completed five years of honorable service during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;
- (10) the Texas Medal of Merit, which shall be awarded to a member of the military forces of this state, another state, or the United States who performs outstanding service or attains extraordinary achievement in behalf of the state or United States;
- (11) the Texas State Guard Service Medal, which shall be awarded to a service member who completes three consecutive years of honorable service in the Texas State Guard during which the service member has shown fidelity to duty, efficient service, and great loyalty to this state;
- (12) the Texas Desert Shield/Desert Storm Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after August 1, 1990, in support of Operation Desert Shield or Operation Desert Storm, without regard to the place that the service member was deployed while serving on active federal military duty;

(13) the Texas Iraqi Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard, without regard to the place that the service member was deployed while serving on active federal military duty, after:

(A) March 19, 2003, in support of Operation Iraqi Freedom; or

(B) August 31, 2010, in support of Operation New Dawn;

(14) the Texas Afghanistan Campaign Medal, which shall be awarded to a service member who was inducted into federal service from the Texas National Guard after October 6, 2001, in support of Operation Enduring Freedom, without regard to the place that the service member was deployed while serving on active federal military duty; and

(15) the Cold War Medal, which, subject to Subsection (c), shall be awarded to a member of the military forces of this state or the United States who:

(A) served between September 2, 1945, and December 26, 1991; and

(B) was a resident of this state at the time the service member entered military service.

SECTION 8.008. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; ~~and~~

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) ~~[(20)]~~ require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs; *and*

(22) ~~[(20)]~~ adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; *and*

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner.

SECTION 8.009. Section 531.012(a), Government Code, as amended by Chapters 837

(S.B. 200) and 946 (S.B. 277), Acts of the 84th Legislature, Regular Session, 2015, is re-enacted to read as follows:

(a) The executive commissioner shall establish and maintain advisory committees to consider issues and solicit public input across all major areas of the health and human services system which may be from various geographic areas across the state, which may be done either in person or through teleconferencing centers, including relating to the following issues:

- (1) Medicaid and other social services programs;
- (2) managed care under Medicaid and the child health plan program;
- (3) health care quality initiatives;
- (4) aging;
- (5) persons with disabilities, including persons with autism;
- (6) rehabilitation, including for persons with brain injuries;
- (7) children;
- (8) public health;
- (9) behavioral health;
- (10) regulatory matters;
- (11) protective services; and
- (12) prevention efforts.

SECTION 8.010. Section 531.02112(c), Government Code, as amended by Chapter 1203 (S.B. 1455), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 531.02112, Government Code, by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 8.011. Section 531.0736(g), Government Code, as added by Chapter 946 (S.B. 277), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Section 531.0736(g), Government Code, as added by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 8.012. Section 531.102(p), Government Code, as added by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Section 531.102(v), Government Code.

SECTION 8.013. Section 533.00251(c), Government Code, as effective September 1, 2021, is amended to conform to Chapters 837 (S.B. 200) and 946 (S.B. 277), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(c) Subject to Section 533.0025 and notwithstanding any other law, the commission[; ~~in consultation with the advisory committee;~~] shall provide benefits under Medicaid to recipients who reside in nursing facilities through the STAR + PLUS Medicaid managed care program. In implementing this subsection, the commission shall ensure:

- (1) that a nursing facility is paid not later than the 10th day after the date the facility submits a clean claim;
- (2) the appropriate utilization of services consistent with criteria established by the commission;
- (3) a reduction in the incidence of potentially preventable events and unnecessary institutionalizations;
- (4) that a managed care organization providing services under the managed care program provides discharge planning, transitional care, and other education programs to physicians and hospitals regarding all available long-term care settings;
- (5) that a managed care organization providing services under the managed care program:
 - (A) assists in collecting applied income from recipients; and

(B) provides payment incentives to nursing facility providers that reward reductions in preventable acute care costs and encourage transformative efforts in the delivery of nursing facility services, including efforts to promote a resident-centered care culture through facility design and services provided;

(6) the establishment of a portal that is in compliance with state and federal regulations, including standard coding requirements, through which nursing facility providers participating in the STAR + PLUS Medicaid managed care program may submit claims to any participating managed care organization;

(7) that rules and procedures relating to the certification and decertification of nursing facility beds under Medicaid are not affected;

(8) that a managed care organization providing services under the managed care program, to the greatest extent possible, offers nursing facility providers access to:

(A) acute care professionals; and

(B) telemedicine, when feasible and in accordance with state law, including rules adopted by the Texas Medical Board; and

(9) that the commission approves the staff rate enhancement methodology for the staff rate enhancement paid to a nursing facility that qualifies for the enhancement under the managed care program.

SECTION 8.014. Section 2165.007(b), Government Code, as amended by Chapters 247 (S.B. 836) and 932 (H.B. 2206), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

(1) a facility owned or operated by an institution of higher education;

(2) military facilities;

(3) facilities owned or operated by the Texas Department of Criminal Justice;

(4) facilities owned or operated by the Texas Juvenile Justice Department;

(5) facilities owned or operated by the Texas Department of Transportation;

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical Commission under Sections 442.0072 and 442.0073;

(7) a facility determined by the commission to be completely residential;

(8) a regional or field office of a state agency;

(9) a facility located within or on state park property;

(10) the property known as the Finance Commission Building described by deed recorded in Volume 5080, Page 1099, of the Deed Records of Travis County, Texas;

(11) the property known as the Credit Union Department Building described by deed recorded in Volume 6126, Page 27, of the Deed Records of Travis County, Texas; or

(12) the property known as the Texas State Cemetery described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas.

SECTION 8.015. Section 2256.008(a), Government Code, as amended by Chapters 222 (H.B. 1148) and 1248 (H.B. 870), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) Except as provided by Subsections (a–1), (b), [and] (e), and (f), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the

governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) ~~[except as provided by Subsections (b), (c), and (f),]~~ attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

SECTION 8.016. Section 2306.6725(a), Government Code, as amended by Chapters 954 (S.B. 1316) and 1111 (H.B. 3311), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) In allocating low income housing tax credits, the department shall score each application using a point system based on criteria adopted by the department that are consistent with the department's housing goals, including criteria addressing the ability of the proposed project to:

- (1) provide quality social support services to residents;
- (2) demonstrate community and neighborhood support as defined by the qualified allocation plan;
- (3) consistent with sound underwriting practices and when economically feasible, serve individuals and families of extremely low income by leveraging private and state and federal resources, including federal HOPE VI grants received through the United States Department of Housing and Urban Development;
- (4) serve traditionally underserved areas;
- (5) demonstrate support from local political subdivisions based on the subdivisions' commitment of development funding;
- (6) rehabilitate or perform an adaptive reuse of a certified historic structure, as defined by Section 171.901(1), Tax Code, as part of the development;
- (7) remain affordable to qualified tenants for an extended, economically feasible period; and
- (8) comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C.

PART B. UPDATE OF COURT FEES AND COSTS

SECTION 8.101. Section 101.021, Government Code, is amended to conform to Chapter 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of the supreme court shall collect fees and costs as follows:

- (1) application for petition for review (Sec. 51.005, Government Code) ... \$50;
- (2) additional fee if application for petition for review is granted (Sec. 51.005, Government Code) ... \$75;
- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court (Sec. 51.005, Government Code) ... \$50;
- (4) additional fee if a motion under Subdivision (3) is granted (Sec. 51.005, Government Code) ... \$75;

(5) certified question from a federal court of appeals to the supreme court (Sec. 51.005, Government Code) ... \$75;

(6) case appealed to the supreme court from the district court by direct appeal (Sec. 51.005, Government Code) ... \$100;

(7) any other proceeding filed in the supreme court (Sec. 51.005, Government Code) ... \$75;

(8) administering an oath and giving a sealed certificate of the oath (Sec. 51.005, Government Code) ... \$5;

(9) making certain copies, including certificate and seal (Sec. 51.005, Government Code) ... \$5, or \$0.50 per page if more than 10 pages;

(10) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.005, Government Code) ... reasonable amount set by order or rule of supreme court;

(10-a) supreme court support account filing fee (Sec. 51.0051, Government Code) ... amount set by the supreme court, not to exceed \$50;

(11) issuance of attorney's license or certificate (Sec. 51.006, Government Code) ... \$10;

(12) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) ... \$25; and

(13) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 [~~\$20~~].

SECTION 8.102. Section 101.041, Government Code, is amended to conform to Chapter 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.041. COURT OF APPEALS FEES AND COSTS: GOVERNMENT CODE. The clerk of a court of appeals shall collect fees and costs as follows:

(1) for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals district (Sec. 51.207, Government Code) ... \$100;

(2) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the court of appeals (Sec. 51.207, Government Code) ... \$50;

(3) additional fee if the motion under Subdivision (2) is granted (Sec. 51.207, Government Code) ... \$75;

(4) motion to file or to extend time to file record on appeal from district or county court (Sec. 51.207, Government Code) ... \$10;

(5) administering an oath and giving a sealed certificate of oath (Sec. 51.207, Government Code) ... \$5;

(6) certified copy of papers of record in court offices, including certificate and seal (Sec. 51.207, Government Code) ... \$5, or \$1 per page if more than five pages;

(7) comparing any document with the original filed in the offices of the court for purposes of certification (Sec. 51.207, Government Code) ... \$5, or \$1 per page if more than five pages;

(8) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.207, Government Code) ... a reasonable fee set by the order or rule of the supreme court;

(8-a) supreme court support account filing fee (Sec. 51.208, Government Code) ... amount set by the supreme court, not to exceed \$50;

(9) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) ... \$25; and

(10) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 [~~\$20~~].

SECTION 8.103. (a) Section 101.0611, Government Code, as amended by Section 1.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, is amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, and is further amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) ... civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) ... not to exceed \$5;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) ... not more than \$15;

(D) to fund the preservation of court records (Sec. 51.708, Government Code) ... not more than \$10;

(E) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) ... not more than \$15; ~~and~~

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) ... not more than \$15;

(G) to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20; and

(H) to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) ... \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) ... \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) ... \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) ... \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) ... \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) ... \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) ... \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) ... not more than \$10;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) ... \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) ... \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) ... \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) ... \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) ... \$8;

(13) for approving a bond (Sec. 51.318, Government Code) ... \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) ... not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) ... not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) ... the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; ~~and~~

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) ... a reasonable fee; *and*

(E) related to a matter filed in a statutory county court (Sec. 51.319, Government Code) ... the same fees allowed the district clerk for those services in the district court;

(17) jury fee (Sec. 51.604, Government Code) ... \$40 [~~\$30~~];

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) ... not to exceed \$15;

(19) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) ... as assessed by the referring court or associate judge; and

(20) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 [~~\$20~~].

(b) Section 101.0611, Government Code, as amended by Section 2.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, effective September 1, 2019, is amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, and is further amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) ... civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) ... not to exceed \$5;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) ... not more than \$15;

(D) to fund the preservation of court records (Sec. 51.708, Government Code) ... not more than \$10;

(E) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) ... not more than \$15; ~~and~~

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) ... not more than \$15;

(G) to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20; and

(H) to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) ... \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) ... \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) ... \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) ... \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) ... \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) ... \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) ... \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) ... not more than \$5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) ... \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) ... \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) ... \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) ... \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) ... \$8;

(13) for approving a bond (Sec. 51.318, Government Code) ... \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of

record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) ... not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) ... not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) ... the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; ~~and~~

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) ... a reasonable fee; and

(E) related to a matter filed in a statutory county court (Sec. 51.319, Government Code) ... the same fees allowed the district clerk for those services in the district court;

(17) jury fee (Sec. 51.604, Government Code) ... \$40 ~~[\$30]~~;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) ... not to exceed \$15;

(19) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) ... as assessed by the referring court or associate judge; and

(20) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 ~~[\$20]~~.

(c) Section 101.061192, Government Code, is repealed.

SECTION 8.104. Section 101.0616, Government Code, is amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.0616. DISTRICT COURT FEES AND COSTS: ESTATES CODE. The clerk of a district court shall collect fees and costs under the Estates Code as follows:

(1) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) ... probable cost of the proceeding;

~~(2) [fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) ... cost of filing and payment of attorney ad litem;~~

~~[(3)]~~ security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) ... probable cost of the guardianship proceeding;

(3) ~~[(4)]~~ nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) ... \$40; and

(4) ~~[(5)]~~ costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) ... reasonable compensation.

SECTION 8.105. (a) Section 101.0811, Government Code, is amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, and is further amended to read as follows:

Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS: GOVERNMENT

CODE. The clerk of a statutory county court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... \$5;
and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than \$5;

(2) an official court reporter fee, County Court at Law No. 2 of Bexar County (Sec. 25.0172, Government Code) ... \$3;

(3) in Brazoria County, in matters of concurrent jurisdiction with the district court, fees (Sec. 25.0222, Government Code) ... as prescribed by law for district judges according to the nature of the matter;

(4) a court reporter fee when testimony is taken in a county court at law in McLennan County (Sec. 25.1572, Government Code) ... \$3;

(5) a stenographer fee, if a record or part of a record is made:

(A) in a county court at law in Hidalgo County (Sec. 25.1102, Government Code) ... \$20; and

(B) in the 1st Multicounty Court at Law (Sec. 25.2702, Government Code) ... \$25;

(6) jury fee (Sec. 51.604, Government Code) ... \$40 [~~\$22~~];

(7) an additional filing fee:

(A) for each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.702, Government Code) ... \$40;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) ... not more than \$15;

(D) to fund the preservation of court records (Sec. 51.708, Government Code) ... not more than \$10;

(E) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) ... not more than \$15; [~~and~~]

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) ... not more than \$15;

(G) to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20; and

(H) to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20;

(8) the official court reporter's fee taxed as costs in civil actions in a statutory county court:

(A) in Bexar County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code) ... taxed in the same manner as the fee is taxed in district court;

(B) in Galveston County (Sec. 25.0862, Government Code) ... taxed in the same manner as the fee is taxed in civil cases in the district courts; ~~and~~

(C) in Harris County (Sec. 25.1032, Government Code) ... taxed in the same manner as the fee is taxed in civil cases in the district courts; and

(D) in Parker County (Sec. 25.1862, Government Code) ... taxed in the same manner as the fee is taxed in civil cases in the district courts;

(9) in Nueces County, in matters of concurrent jurisdiction with the district court, with certain exceptions, fees (Sec. 25.1802, Government Code) ... equal to those in district court cases;

(10) a fee not otherwise listed in this subchapter that is required to be collected under Section 25.0008, Government Code, in a county other than Brazos, Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr, Victoria, and Williamson ... as prescribed by law relating to county judges' fees;

(11) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) ... as assessed by the referring court or associate judge; and

(12) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 ~~[\$20]~~.

(b) Section 101.081191, Government Code, is repealed.

SECTION 8.106. Section 101.0814, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) ... not to exceed \$5;

(2) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) ... \$15; and

(ii) all others (Sec. 118.052, Local Government Code) ... \$40;

(B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) ... \$30; and

(C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

- (i) abstract of judgment (Sec. 118.052, Local Government Code) ... \$5; and
- (ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) ... \$5;
- (3) probate court actions (Sec. 118.052, Local Government Code):
 - (A) probate original action (Secs. 118.052 and 118.055, Local Government Code):
 - (i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) ... \$40;
 - (ii) community survivors (Sec. 118.052, Local Government Code) ... \$40;
 - (iii) small estates (Sec. 118.052, Local Government Code) ... \$40;
 - (iv) declarations of heirship (Sec. 118.052, Local Government Code) ... \$40;
 - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) ... \$40; and
 - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) ... \$5;
 - (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
 - (i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) ... \$25;
 - (ii) approving and recording bond (Sec. 118.052, Local Government Code) ... \$3;
 - (iii) administering oath (Sec. 118.052, Local Government Code) ... \$2;
 - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) ... \$25;
 - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) ... \$25;
 - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) ... \$10; and
 - (vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages ... \$25;
 - (C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) ... \$40;
 - (D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) ... \$10 [~~\$2~~];
 - (E) supplemental court-initiated guardianship fee (Secs. 118.052 and 118.067, Local Government Code) ... \$20; and
 - (F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) ... \$10;
- (4) other fees (Sec. 118.052, Local Government Code):
 - (A) issuing document (Secs. 118.052 and 118.059, Local Government Code):
 - (i) original document and one copy (Sec. 118.052, Local Government Code) ... \$4; and
 - (ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) ... \$4;
 - (B) certified papers (Secs. 118.052 and 118.060, Local Government Code):
 - (i) for the clerk's certificate (Sec. 118.052, Local Government Code) ... \$5; and
 - (ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) ... \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) ... \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) ... \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) ... \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) ... same as sheriff; and

(G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) ... \$5;

(5) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) ... \$10;

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) ... \$42;

(7) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) ... not to exceed \$5;

(8) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) ... \$1;

(9) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) ... not to exceed \$20; and

(10) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) ... not to exceed \$35.

SECTION 8.107. Section 101.0815, Government Code, is amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.0815. STATUTORY COUNTY COURT FEES AND COSTS: ESTATES CODE. The clerk of a statutory county court shall collect fees and costs under the Estates Code as follows:

(1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) ... \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) ... probable cost of the proceeding;

(3) ~~[fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) ... cost of filing and payment of attorney ad litem;~~

~~[(4)]~~ security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) ... probable cost of the guardianship proceeding;

(4) ~~[(5)]~~ nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) ... \$40; and

(5) ~~[(6)]~~ costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) ... reasonable compensation.

SECTION 8.108. (a) Section 101.1011, Government Code, is amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, and is further amended to read as follows:

Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... \$5;
and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than \$5;

(2) additional filing fees as follows:

(A) for certain cases to be used for court-related purposes for support of the judiciary (Sec. 51.704, Government Code) ... \$40;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) ... not more than \$15;

(D) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) ... not more than \$15; ~~and~~

(E) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) ... not more than \$15; *and*

(F) to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) ... not more than \$20;

(3) jury fee for civil case (Sec. 51.604, Government Code) ... \$40 ~~[\$22]~~;

(4) the expense of preserving the record as a court cost, if imposed on a party by the referring court or associate judge (Sec. 54A.211, Government Code) ... actual cost;

(5) a fee not otherwise listed in this subchapter that is required to be collected under Section 25.0029, Government Code (Sec. 25.0029, Government Code) ... as prescribed by law relating to county judges' fees; and

(6) statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 [~~\$20~~].

(b) Section 101.10119, Government Code, is repealed.

SECTION 8.109. Section 101.1013, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) ... \$10;

(2) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) ... not to exceed \$5;

(3) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) ... \$40;

(ii) community survivors (Sec. 118.052, Local Government Code) ... \$40;

(iii) small estates (Sec. 118.052, Local Government Code) ... \$40;

(iv) declarations of heirship (Sec. 118.052, Local Government Code) ... \$40;

(v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) ... \$40; and

(vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) ... \$5;

(B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) ... \$25;

(ii) approving and recording bond (Sec. 118.052, Local Government Code) ... \$3;

(iii) administering oath (Sec. 118.052, Local Government Code) ... \$2;

(iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) ... \$25;

(v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) ... \$25;

(vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) ... \$10; and

(vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages ... \$25;

(C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) ... \$40;

(D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) ... \$10 [~~\$2~~];

(E) supplemental court-initiated guardianship fee (Secs. 118.052 and 118.067, Local Government Code) ... \$20; and

(F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) ... \$10;

(4) other fees (Sec. 118.052, Local Government Code):

(A) issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i) original document and one copy (Sec. 118.052, Local Government Code) ... \$4; and

(ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) ... \$4;

(B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) ... \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) ... \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) ... \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) ... \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) ... \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) ... same as sheriff; and,

(G) records management and preservation fee (Secs. 118.052 and 118.0645, Local Government Code) ... \$5; and

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) ... not to exceed \$35.

SECTION 8.110. Section 101.1014, Government Code, is amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.1014. STATUTORY PROBATE COURT FEES AND COSTS: ESTATES CODE. The clerk of a statutory probate court shall collect fees and costs under the Estates Code as follows:

(1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) ... \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) ... probable cost of the proceeding;

(3) ~~fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) ... cost of filing and payment of attorney ad litem;~~

[(4)] security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) ... probable cost of the guardianship proceeding;

(4) [(5)] nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) ... \$40; and

(5) [(6)] costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) ... reasonable compensation.

SECTION 8.111. Section 101.121, Government Code, is amended to conform to Chapter 763 (S.B. 1035), Acts of the 83rd Legislature, Regular Session, 2013, to read as

follows:

Sec. 101.121. COUNTY COURT FEES AND COSTS: ALCOHOLIC BEVERAGE CODE. The clerk of a county court shall collect a fee of \$25 [~~\$5~~] under Section 61.31, Alcoholic Beverage Code, for hearing on application for a license to manufacture, distribute, store, or sell beer.

SECTION 8.112. Section 101.1212, Government Code, is amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Government Code:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... \$5;
and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than \$5;

(2) a jury fee (Sec. 51.604, Government Code) ... \$40 [~~\$22~~];

(3) a filing fee in each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.703, Government Code) ... \$40;

(4) a filing fee to fund the preservation of court records (Sec. 51.708, Government Code) ... not more than \$10; and

(5) a statewide electronic filing system fund fee (Sec. 51.851, Government Code) ... \$30 [~~\$20~~].

SECTION 8.113. Section 101.1214, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Local Government Code:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) ... not to exceed \$5;

(2) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) ... \$15;
and

- (ii) all others (Sec. 118.052, Local Government Code) ... \$40;
- (B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) ... \$30; and
- (C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):
 - (i) abstract of judgment (Sec. 118.052, Local Government Code) ... \$5; and
 - (ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) ... \$5;
- (3) probate court actions (Sec. 118.052, Local Government Code):
 - (A) probate original action (Secs. 118.052 and 118.055, Local Government Code):
 - (i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) ... \$40;
 - (ii) community survivors (Sec. 118.052, Local Government Code) ... \$40;
 - (iii) small estates (Sec. 118.052, Local Government Code) ... \$40;
 - (iv) declarations of heirship (Sec. 118.052, Local Government Code) ... \$40;
 - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) ... \$40; and
 - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) ... \$5;
 - (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
 - (i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) ... \$25;
 - (ii) approving and recording bond (Sec. 118.052, Local Government Code) ... \$3;
 - (iii) administering oath (Sec. 118.052, Local Government Code) ... \$2;
 - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) ... \$25;
 - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) ... \$25;
 - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) ... \$10; and
 - (vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages ... \$25;
 - (C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) ... \$40;
 - (D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) ... \$10 [\$2];
 - (E) supplemental court-initiated guardianship fee (Secs. 118.052 and 118.067, Local Government Code) ... \$20; and
 - (F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) ... \$10;
- (4) other fees (Sec. 118.052, Local Government Code):
 - (A) issuing document (Secs. 118.052 and 118.059, Local Government Code):
 - (i) original document and one copy (Sec. 118.052, Local Government Code) ... \$4; and

- (ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) ... \$4;
- (B) certified papers (Secs. 118.052 and 118.060, Local Government Code):
 - (i) for the clerk's certificate (Sec. 118.052, Local Government Code) ... \$5; and
 - (ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) ... \$1;
- (C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) ... \$1;
- (D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) ... \$2;
- (E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) ... \$5;
- (F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) ... same as sheriff; and
- (G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) ... \$5;
- (5) deposit on filing petition requesting permission to create a municipal civic center authority (Sec. 281.013, Local Government Code) ... \$200;
- (6) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) ... not to exceed \$5;
- (7) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) ... \$1;
- (8) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) ... not to exceed \$20;
- (9) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) ... not to exceed \$35;
- (10) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) ... \$10; and
- (11) on the filing of a civil suit an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) ... \$42.

SECTION 8.114. Section 101.1215, Government Code, is amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 101.1215. COUNTY COURT FEES AND COSTS: ESTATES CODE. The clerk of a county court shall collect the following fees and costs under the Estates Code:

- (1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) ... \$5;
- (2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) ... probable cost of the proceeding;
- (3) ~~[fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) ... cost of filing and payment of attorney ad litem;~~
- (4) security deposit on filing, by any person other than the guardian, attorney ad

litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) ... probable cost of the guardianship proceeding;

(4) [(5)] nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) ... \$40; and

(5) [(6)] costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) ... reasonable compensation.

SECTION 8.115. Section 102.041, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 102.041. **ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE.** The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$40 [(20)];

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) ... \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) ... \$4;

(5) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) ... \$5;

(6) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3; and

(7) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) ... \$50.

SECTION 8.116. Section 102.061, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 102.061. **ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE.** The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$40 [(20)];

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) ... \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) ... \$4;

(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;

(6) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) ... \$50;

(7) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5 if the court employs a juvenile case manager; and

(8) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

SECTION 8.117. Section 102.081, Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, to read as

follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$40 [~~\$20~~];
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) ... \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;
- (4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) ... \$4;
- (5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;
- (6) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) ... \$50;
- (7) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5 if the court employs a juvenile case manager; and
- (8) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

SECTION 8.118. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

- (1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) ... the greater of \$20 or three percent of the amount of the bail fixed for the accused;
- (2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) ... actual cost;
- (3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) ... not to exceed \$10;
- (3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) ... actual costs, subject to a determination of indigency;
- (3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) ... actual costs, subject to a determination of indigency;
- (4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) ... amount ordered;
- (5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(17) [~~Chapter 42A~~], Code of Criminal Procedure) ... not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;
- (6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(20) [~~Chapter 42A~~], Code of Criminal Procedure) ... not to exceed \$50;
- (7) children's advocacy center fee (Art. 42A.455 [~~Chapter 42A~~], Code of Criminal Procedure) ... not to exceed \$50;
- (8) family violence center fee (Art. 42A.504(b) [~~Chapter 42A~~], Code of Criminal Procedure) ... \$100;
- (9) community supervision fee (Art. 42A.652(a) [~~Chapter 42A~~], Code of Criminal Procedure) ... not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42A.653(a) [~~Chapter 42A~~], Code of Criminal Procedure) ... \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452 [~~Chapter 42A~~], Code of Criminal Procedure) ... all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) ... costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) ... amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) ... not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) ... amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) ... not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) ... not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) ... \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) ... \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) ... \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) ... \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) ... \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) ... \$30 per application;

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) ... not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) ... not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) ... not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) ... not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) ... not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) ... \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) ... not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) ... not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) ... not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) ... not to exceed \$2 for each transaction;

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) ... 30 percent of an amount more than 60 days past due; and

(26) a cost on conviction for the truancy prevention and diversion fund (Art. 102.015, Code of Criminal Procedure) ... \$2.

SECTION 8.119. Section 103.0211, Government Code, is amended to read as follows:

Sec. 103.0211. **ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE.** An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken:

(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) ... \$3;

(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) ... \$3;

(C) in a county court at law in McLennan County (Sec. 25.1572, Government Code) ... \$3; and

(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) ... \$3;

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) ... \$15 or, in specified counties, \$30;

(3) a speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) ... \$100;

(4) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:

(A) in Bexar County (Sec. 54.913, Government Code) ... magistrate's fees;

(B) in Dallas County (Sec. 54.313, Government Code) ... magistrate's fees;

(C) in Lubbock County (Sec. 54.883, Government Code) ... magistrate's fees;

(D) in Tarrant County (Sec. 54.663, Government Code) ... magistrate's fees; and

(E) in Travis County (Sec. 54.983, Government Code) ... magistrate's fees;

(5) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) ... not less than \$25 and not more than \$60 per month; and

(6) fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Secs. 411.072 and 411.0745 [Subchapter E-1, Chapter 411], Government Code) ... \$28.

SECTION 8.120. Section 103.0213, Government Code, is amended to conform to Chapter 752 (H.B. 1888), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 103.0213. **ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE.** An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

- (1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) ... not to exceed \$20;
- (2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) ... not to exceed \$20;
- (2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) ... not to exceed \$10;
- (3) administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements as certified (Sec. 548.605, Transportation Code) ... not to exceed \$20;
- (4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) ... \$30 for each violation; ~~and~~
- (5) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) ... \$30; *and*
- (6) *administrative fee on dismissal of charge of driving a commercial motor vehicle without a commercial driver's license or commercial learner's permit (Sec. 522.011, Transportation Code) ... not to exceed \$10.*

SECTION 8.121. (a) Section 103.026, Government Code, is amended to read as follows:

Sec. 103.026. **MISCELLANEOUS FEES AND COSTS: FAMILY CODE.** Fees and costs shall be paid or collected under the Family Code as follows:

- (1) costs of determining and sending information concerning the identity of the court with continuing, exclusive jurisdiction if charged by the bureau of vital statistics (Sec. 108.006, Family Code) ... reasonable fee;
- (2) initial operations fee paid to the domestic relations office on each filing of an original suit affecting the parent-child relationship, motion for modification, or motion for enforcement, if authorized by the administering entity (Sec. 203.005, Family Code) ... not to exceed \$15;
- (3) initial child support service fee paid to the domestic relations office in certain counties on the filing of an original suit affecting the parent-child relationship, if authorized by the administering entity (Sec. 203.005, Family Code) ... not to exceed \$36;
- (4) service fee for services of a domestic relations office, if authorized by the administering entity (Sec. 203.005, Family Code) ... not to exceed \$3 per month;
- (5) fee to reimburse a domestic relations office for a fee paid for filing an administrative writ of withholding (Secs. 158.503 and 203.005, Family Code) ... the amount of the fee paid;
- (6) fee from a Title IV-D agency for each item of process to each individual on whom service is required, including service by certified or registered mail (Sec. 231.202, Family Code) ... the amount that a sheriff or constable may charge for serving process under Section 118.131, Local Government Code; ~~and~~
- (7) a fee for mailing an order vacating or staying an order suspending a license to the appropriate licensing authority (Sec. 232.013, Family Code) ... \$5 for each order mailed; *and*
- (8) *a court cost paid by a party to a truancy case, if ordered by a truancy court (Sec. 65.107, Family Code) ... \$50.*

(b) Section 103.035, Government Code, is repealed.

SECTION 8.122. (a) Section 103.027(a), Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

(a) Fees and costs shall be paid or collected under the Government Code as follows:

(1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) ... \$15;

(2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) ... \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) ... \$250 except as waived or reduced under supreme court rules for representing an indigent person;

(4) on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) ... as assessed by the court, all or part of the cost of preparation;

(5) a program fee for a drug court program (Sec. 123.004, Government Code) ... not to exceed \$1,000;

(6) an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) ... the amount necessary to cover the costs of testing, counseling, and treatment;

(7) a reasonable program fee for a veterans *treatment* court program (Sec. 124.005, Government Code) ... not to exceed \$1,000;

(8) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans *treatment* court program (Sec. 124.005, Government Code) ... the amount necessary to cover the costs of testing, counseling, or treatment; ~~and~~

(9) a nonrefundable program fee for a *commercially sexually exploited persons court* ~~[prostitution prevention]~~ program (Sec. 126.006, Government Code) ... a reasonable amount not to exceed \$1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee; *and*

(10) a *district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court* (Sec. 51.305, Government Code) ... *not more than \$10.*

(b) Effective September 1, 2019, Section 103.027(a), Government Code, is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

(a) Fees and costs shall be paid or collected under the Government Code as follows:

(1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) ... \$15;

(2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) ... \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) ... \$250 except as waived or reduced under supreme court rules for representing an indigent person;

(4) on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) ... as assessed by the court, all or part of the cost of preparation;

(5) a program fee for a drug court program (Sec. 123.004, Government Code) ... not to exceed \$1,000;

(6) an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) ... the amount necessary to cover the costs of testing, counseling, and treatment;

(7) a reasonable program fee for a veterans *treatment* court program (Sec. 124.005, Government Code) ... not to exceed \$1,000;

(8) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans *treatment* court program (Sec. 124.005, Government Code) ... the amount necessary to cover the costs of testing, counseling, or treatment; ~~and~~

(9) a nonrefundable program fee for a *commercially sexually exploited persons court* ~~[prostitution prevention]~~ program (Sec. 126.006, Government Code) ... a reasonable amount not to exceed \$1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee; *and*

(10) *a district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court (Sec. 51.305, Government Code) ... not more than \$5.*

(c) The following are repealed:

(1) Section 103.0271, Government Code; and

(2) Section 103.0292, Government Code, as added by Chapter 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

SECTION 9.001. Section 81.046(c), Health and Safety Code, as amended by Chapters 789 (H.B. 2646) and 1278 (S.B. 1574), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(c) Medical or epidemiological information, including information linking a person who is exposed to a person with a communicable disease, may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention ~~[of the United States Public Health Service]~~, but the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition;

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information; ~~or~~

(6) to a designated infection control officer;

(7) ~~[(6)]~~ to governmental entities that provide first responders who may respond to a situation involving a potential communicable disease of concern and need the information to properly respond to the situation; or

(8) ~~[(7)]~~ to a local health department or health authority for a designated monitoring period based on the potential risk for developing symptoms of a communicable disease of concern.

SECTION 9.002. Section 242.403(a), Health and Safety Code, is amended to conform to changes made by Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) The executive commissioner shall adopt standards to implement Sections 242.401 and 242.402. Those standards must, at a minimum, address:

- (1) admission of residents;
- (2) care of residents younger than 18 years of age;
- (3) an initial assessment and comprehensive plan of care for residents;
- (4) transfer or discharge of residents;
- (5) clinical records;
- (6) infection control at the institution;
- (7) rehabilitative services;
- (8) food services;
- (9) nutrition services provided by a director of food services who is licensed by the Texas *Department of Licensing and Regulation under Chapter 701, Occupations Code*, ~~[State Board of Examiners of Dietitians]~~ or, if not so licensed, who is in scheduled consultation with a person who is so licensed as frequently and for such time as the executive commissioner shall determine necessary to assure each resident a diet that meets the daily nutritional and special dietary needs of each resident;
- (10) social services and activities;
- (11) prevention of pressure sores;
- (12) bladder and bowel retraining programs for residents;
- (13) prevention of complications from nasogastric or gastrostomy tube feedings;
- (14) relocation of residents within an institution;
- (15) postmortem procedures; and
- (16) appropriate use of chemical and physical restraints.

SECTION 9.003. Section 401.015(a), Health and Safety Code, is amended to conform to changes made by Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) The radiation advisory board is composed of the following 18 members appointed by the governor:

- (1) one representative from industry who is trained in nuclear physics, science, or nuclear engineering;
- (2) one representative from labor;
- (3) one representative from agriculture;
- (4) one representative from the insurance industry;
- (5) one individual who is engaged in the use and application of nuclear physics in medicine and is certified by the American Board of Radiology or licensed by the Texas *Medical Board under Chapter 602, Occupations Code* ~~[of Licensure for Professional Medical Physicists]~~;

- (6) one hospital administrator;
- (7) one individual licensed by the Texas Medical Board who specializes in nuclear medicine;
- (8) one individual licensed by the Texas Medical Board who specializes in pathology;
- (9) one individual licensed by the Texas Medical Board who specializes in radiology;
- (10) one representative from the nuclear utility industry;
- (11) one representative from the radioactive waste industry;
- (12) one representative from the petroleum industry;
- (13) one health physicist certified by the American Board of Health Physics;
- (14) one individual licensed by the State Board of Dental Examiners;
- (15) one representative from the uranium mining industry; and
- (16) three representatives of the public.

SECTION 9.004. Section 532.0131(d), Health and Safety Code, is amended to correct a typographical error to read as follows:

(d) The executive commissioner of the Health and Human Services Commission shall appoint as members of the work group:

- (1) a representative of the department;
- (2) a representative of the Texas Department of Criminal Justice;
- (3) a representative of the Texas Juvenile Justice Department;
- (4) a representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- (5) a representative of the *Sheriffs'* ~~[Sheriffs]~~ Association of Texas;
- (6) a superintendent of a state hospital with a maximum security forensic unit;
- (7) a representative of a local mental health authority;
- (8) a representative of the protection and advocacy system of this state established in accordance with 42 U.S.C. Section 15043, appointed by the administrative head of that system; and
- (9) additional members as needed to comply with the number of members selected by the commissioner, who must be recognized experts in forensic patients or persons who represent the interests of forensic patients, and who may be advocates, family members, psychiatrists, psychologists, social workers, psychiatric nurses, or representatives of hospitals licensed under Chapter 241 or 577.

ARTICLE 10. CHANGES RELATING TO INSURANCE CODE

SECTION 10.001. Section 544.552, Insurance Code, as amended by Chapters 592 (S.B. 188) and 1137 (S.B. 189), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 544.552. APPLICABILITY. This subchapter applies only to:

- (1) a standard fire, homeowners, or farm and ranch owners insurance policy, including such policies written by:
 - (A) ~~[(1)]~~ a farm mutual insurance company;
 - (B) ~~[(2)]~~ a county mutual insurance company;
 - (C) ~~[(3)]~~ a Lloyd's plan; and
 - (D) ~~[(4)]~~ a reciprocal or interinsurance exchange; or
- (2) a personal automobile insurance policy, including a policy written by a county mutual insurance company.

SECTION 10.002. Sections 1451.001(3), (7), (8), and (20), Insurance Code, are

amended to conform to Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(3) "Audiologist" means an individual licensed to practice audiology by the *Texas Department of Licensing and Regulation* [~~State Board of Examiners for Speech-Language Pathology and Audiology~~].

(7) "Dietitian" means an individual licensed by the *Texas Department of Licensing and Regulation under Chapter 701, Occupations Code* [~~State Board of Examiners of Dietitians~~].

(8) "Hearing instrument fitter and dispenser" means an individual licensed by the *Texas Department of Licensing and Regulation under Chapter 402, Occupations Code* [~~State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments~~].

(20) "Speech-language pathologist" means an individual licensed to practice speech-language pathology by the *Texas Department of Licensing and Regulation* [~~State Board of Examiners for Speech-Language Pathology and Audiology~~].

SECTION 10.003. Section 2210.251(f), Insurance Code, as amended by Chapters 188 (S.B. 498) and 1073 (H.B. 2439), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(f) Notwithstanding any other provision of this subchapter, insurance coverage for a residential structure may be issued or renewed through the association subject to the inspection requirements imposed under Section 2210.258, if applicable.

SECTION 10.004. Section 2210.2581, Insurance Code, as amended by Chapter 615 (S.B. 900), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 2210.2581, Insurance Code, by Chapter 188 (S.B. 498), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 11. CHANGES RELATING TO LABOR CODE

SECTION 11.001. Sections 23.003(a) and (b), Labor Code, as added by Chapter 195 (S.B. 805), Acts of the 84th Legislature, Regular Session, 2015, are repealed as duplicative of Sections 23.003(a) and (b), Labor Code, as added by Chapter 816 (H.B. 3547), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

SECTION 12.001. Section 234.132, Local Government Code, as amended by Chapters 623 (S.B. 1210) and 1170 (S.B. 866), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

- (1) a county that has a population of less than 25,000, is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;
- (2) a county that has a population of four million or more;
- (3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; ~~and~~
- (4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more; *and*
- (5) ~~[(3)]~~ a county that has a population of 550,000 or more and is adjacent to a county described by Subdivision (2).

SECTION 12.002. Section 250.007, Local Government Code, is amended to correct an error to read as follows:

Sec. 250.007. REGULATION OF RENTAL OR LEASING OF HOUSING ACCOMMODATIONS. (a) Except as provided by this section, a municipality or county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person's lawful source of income to pay rent includes funding from a federal housing assistance program.

(b) This section does not affect an ordinance or regulation that prohibits the refusal to lease or rent a housing accommodation to a military veteran because of the veteran's lawful source of income to pay rent.

(c) This section does not affect any authority of a municipality or county or decree to create or implement an incentive, contract commitment, density bonus, or other voluntary program designed to encourage the acceptance of a housing voucher directly or indirectly funded by the federal government, including a federal housing choice voucher.

ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

SECTION 13.001. Section 81.067(c), Natural Resources Code, is amended to conform to the repeal of Section 81.112, Natural Resources Code, by Chapter 470 (S.B. 757), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2) private contributions, including contributions made under Section 89.084;

(3) expenses collected under Section 89.083;

(4) fees imposed under Section 85.2021;

(5) costs recovered under Section 91.457 or 91.459;

(6) proceeds collected under Sections 89.085 and 91.115;

(7) interest earned on the funds deposited in the fund;

(8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9) costs recovered under Section 91.113(f);

(10) hazardous oil and gas waste generation fees collected under Section 91.605;

(11) oil-field cleanup regulatory fees on oil collected under Section 81.116;

(12) oil-field cleanup regulatory fees on gas collected under Section 81.117;

(13) fees for a reissued certificate collected under Section 91.707;

(14) fees collected under Section 91.1013;

(15) fees collected under Section 89.088;

(16) fees collected under Section 91.142;

(17) fees collected under Section 91.654;

(18) costs recovered under Sections 91.656 and 91.657;

(19) fees collected under Section 81.0521;

(20) fees collected under Sections 89.024 and 89.026;

(21) legislative appropriations;

(22) any surcharges collected under Section 81.070;

(23) fees collected under Section 91.0115;

(24) ~~money deposited to the credit of the fund under Section 81.112;~~

~~(25)~~ fees collected under Subchapter E, Chapter 121, Utilities Code; and

(25) ~~(26)~~ fees collected under Section 27.0321, Water Code.

SECTION 13.002. Section 81.112, Natural Resources Code, as amended by Chapter 448 (H.B. 7), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 81.112, Natural Resources Code, by Chapter 470 (S.B. 757), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

SECTION 14.001. Section 55.004, Occupations Code, as amended by Chapters 586 (H.B. 3742) and 1193 (S.B. 1307), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

Sec. 55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES. (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:

(1) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date held the license in this state.

(b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.

(c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license.

SECTION 14.002. Section 1802.002(a), Occupations Code, as amended by Chapters 777 (H.B. 2481) and 1230 (S.B. 1982), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) This chapter does not apply to:

(1) a sale conducted by order of a United States court under Title 11, United States Code;

(2) a sale conducted by an employee of the United States, this state, or a political subdivision of this state in the course and scope of employment;

(3) a sale conducted by a charitable, religious, or civic organization, including an organization having a tax exempt status under Section 501(c), Internal Revenue Code of 1986, or organized as a nonprofit entity, if the person organizing, arranging, or conducting the auction receives no compensation;

(4) a foreclosure sale of real property personally conducted by a trustee under a deed of trust;

(5) a foreclosure sale of personal property personally conducted by:

(A) a person who holds a security interest in the property, including a mortgage; or

(B) an employee or agent of a person described by Paragraph (A) acting in the course and scope of employment, if:

(i) the employee or agent is not otherwise engaged in the auction business; and

(ii) all property for sale in the auction is subject to a security agreement;

(6) a sale conducted by sealed bid without the option of increasing or decreasing the amount of a bid;

(7) an auction conducted only for student training purposes as part of a course of study approved by the department;

(8) an auction conducted by a posted stockyard or market agency as defined by the federal Packers and Stockyards Act (7 U.S.C. Section 181 et seq.), as amended;

(9) an auction of livestock conducted by a nonprofit livestock trade association chartered in this state, if the auction involves only the sale of livestock owned by members of the trade association;

(10) an auction conducted by a charitable or nonprofit organization chartered in this state, if the auction:

(A) is part of a fair that is organized under state, county, or municipal authority; and

(B) involves only the sale of property owned by the organization's members;

(11) a sale or auction conducted by an auctioneer while the auctioneer is physically located outside of this state;

(12) a sale of motor vehicles at auction by a person licensed under Chapter 2301 or 2302;

(13) a sale of motor vehicles at auction by a person who holds a wholesale motor vehicle auction general distinguishing number or an independent motor vehicle general distinguishing number issued by the Texas Department of Motor Vehicles; or

(14) an auction of property through the Internet.

SECTION 14.003. Section 1802.051(d), Occupations Code, as added by Chapter 1230 (S.B. 1982), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Section 1802.051(d), Occupations Code, as added by Chapter 777 (H.B. 2481), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 15. CHANGES RELATING TO PENAL CODE

SECTION 15.001. Section 31.18(b), Penal Code, is amended to correct a reference to read as follows:

(b) A person commits an offense if the person:

(1) knowingly or intentionally conducts, promotes, or facilitates an activity in which the person receives, possesses, conceals, stores, barter, sells, abandons, or disposes of:

(A) stolen cargo; or

(B) cargo explicitly represented to the person as being stolen cargo; or

(2) is employed as a driver lawfully contracted to transport a specific cargo by vehicle from a known point of origin to a known point of destination and, with the intent to conduct, promote, or facilitate an activity described by *Subdivision (1)* [~~Subsection (b)(1)~~], knowingly or intentionally:

(A) fails to deliver the entire cargo to the known point of destination as contracted; or

(B) causes the seal to be broken on the vehicle or on an intermodal container containing any part of the cargo.

SECTION 15.002. Section 46.01(11), Penal Code, is repealed to conform to Chapter 960 (H.B. 1862), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 15.003. Section 46.03(f), Penal Code, as amended by Chapters 437 (H.B. 910) and 1001 (H.B. 554), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(f) Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

SECTION 15.004. Section 46.035(g), Penal Code, as amended by Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(g) An offense under this section [(a-1), (a-2), (a-3)] is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

SECTION 15.005. Sections 46.035(h) and (j), Penal Code, as amended by Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the 84th Legislature, Regular Session, 2015, are reenacted to read as follows:

(h) It is a defense to prosecution under Subsection (a), (a-1), (a-2), or (a-3) that the actor, at the time of the commission of the offense, displayed the handgun under circum-

stances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

ARTICLE 16. CHANGES RELATING TO PROPERTY CODE

SECTION 16.001. Section 209.00592(a-1), Property Code, as added by Chapter 248 (S.B. 862), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of Section 209.00592(a-1), Property Code, as added by Chapter 1183 (S.B. 1168), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 17. CHANGES RELATING TO TAX CODE

SECTION 17.001. Section 151.310(a), Tax Code, is amended to correct an error to read as follows:

(a) A taxable item sold, leased, or rented to, or stored, used, or consumed by, any of the following organizations is exempted from the taxes imposed by this chapter:

(1) an organization created for religious, educational, or charitable purposes if no part of the net earnings of the organization benefits a private shareholder or individual and the items purchased, leased, or rented are related to the purpose of the organization;

(2) an organization qualifying for an exemption from federal income taxes under Section 501(c)(3), (4), (8), (10), or (19), Internal Revenue Code, if [of] the item sold, leased, rented, stored, used, or consumed relates to the purpose of the exempted organization and the item is not used for the personal benefit of a private stockholder or individual;

(3) a nonprofit organization engaged exclusively in providing athletic competition among persons under 19 years old if no financial benefit goes to an individual or shareholder;

(4) a company, department, or association organized for the purpose of answering fire alarms and extinguishing fires or for the purpose of answering fire alarms, extinguishing fires, and providing emergency medical services, the members of which receive no compensation or only nominal compensation for their services rendered, if the taxable item is used exclusively by the company, department, or association; or

(5) a chamber of commerce or a convention and tourist promotional agency representing at least one Texas city or county if the chamber of commerce or the agency is not organized for profit and no part of its net earnings inures to a private shareholder or other individual.

SECTION 17.002. The heading to Section 313.009, Tax Code, as redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th Legislature, Regular Session, 2015, is amended to correct an error in enrolling House Bill 2712, Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 313.009. CERTAIN ENTITIES ~~INELIGIBLE~~ [ELIGIBLE].

SECTION 17.003. Section 351.101(a), Tax Code, as amended by Chapters 666 (H.B. 3772) and 979 (H.B. 3615), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, flag football, and rodeos, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000;

(iii) has a population of at least 36,000 but not more than 39,000 and is located in a county that has a population of 100,000 or less that is not adjacent to a county with a population of more than two million;

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v) has a population of at least 70,000 but less than 90,000 and no part of which is located in a county with a population greater than 150,000;

(vi) is located in a county that:

(a) is adjacent to the Texas–Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than 500,000;

(vii) has a population of at least 25,000 but not more than 26,000 and is located in a county that has a population of 90,000 or less;

(viii) ~~(ix)~~ is located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located; or

(ix) ~~(x)~~ has a population of at least 40,000 and the San Marcos River flows through the municipality; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;

(8) for a municipality with a population of at least 70,000 but less than 90,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

(10) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:

(A) has a population of at least 90,000 but less than 120,000; and

(B) is located in two counties, at least one of which contains the headwaters of the San Gabriel River; and

(11) for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

ARTICLE 18. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 18.001. Section 504.202(e-1), Transportation Code, as amended by Chapters 708 (H.B. 1128) and 716 (H.B. 1273), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(e-1) Other than license plates issued under Subsection (h), license plates issued under this section may include, on request:

(1) the emblem of the veteran's branch of service; or

(2) one emblem from another license plate to which the person is entitled under Section 504.308, 504.311, 504.312, 504.313, 504.3135, 504.314, 504.315, 504.316, 504.318, 504.319, or 504.320.

SECTION 18.002. The heading to Section 504.502, Transportation Code, is amended to conform to the transfer of the offense by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 504.502. CERTAIN EXHIBITION VEHICLES[~~-OFFENSE~~].

SECTION 18.003. Section 644.101(b), Transportation Code, as amended by Chapters 278 (H.B. 716) and 1130 (S.B. 58), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) A police officer of any of the following municipalities is eligible to apply for certification under this section:

(1) a municipality with a population of 50,000 or more;

(2) a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;

(3) a municipality with a population of less than 25,000:

(A) any part of which is located in a county with a population of 3.3 million; and

(B) that contains or is adjacent to an international port;

(4) a municipality with a population of at least 34,000 that is located in a county that borders two or more states;

(5) a municipality any part of which is located in a county bordering the United Mexican States;

(6) a municipality with a population of less than 5,000 that is located:

(A) adjacent to a bay connected to the Gulf of Mexico; and

(B) in a county adjacent to a county with a population greater than 3.3 million;

(7) a municipality that is located:

(A) within 25 miles of an international port; and

(B) in a county that does not contain a highway that is part of the national

system of interstate and defense highways and is adjacent to a county with a population greater than 3.3 million;

(8) a municipality with a population of less than 8,500 that:

(A) is the county seat; and

(B) contains a highway that is part of the national system of interstate and defense highways; ~~or~~

(9) a municipality located in a county with a population between 60,000 and 66,000 adjacent to a bay connected to the Gulf of Mexico; *or*

(10) ~~[(9)]~~ a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico.

ARTICLE 19. CHANGES RELATING TO WATER CODE

SECTION 19.001. Section 16.053(e), Water Code, as amended by Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the date the board most recently adopted a state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan; provided, however, that if no groundwater conservation district exists within the area of the regional water planning group, the regional water planning group shall determine the supply of groundwater for regional planning purposes; the Texas Water Development Board shall review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the board's groundwater availability models, with the desired future conditions adopted under Section 36.108 for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts;

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response; and

(D) existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region and potential impacts on public health, safety, or welfare in this state;

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k)(1) if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements;

(I) emergency transfer of water under Section 11.139, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(J) opportunities for and the benefits of developing large-scale desalination facilities for:

(i) marine seawater that serve local or regional entities; *and*

(ii) ~~[(J) opportunities for and the benefits of developing large-scale desalination facilities for]~~ seawater or brackish groundwater that serve local or regional brackish groundwater production zones identified and designated under Section 16.060(b)(5);

(6) identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality; and

(9) includes information on:

(A) projected water use and conservation in the regional water planning area; and

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands.

SECTION 19.002. Section 16.060, Water Code, as amended by Chapter 990 (H.B. 30), Acts of the 84th Legislature, Regular Session, 2015, and repealed by Chapter 756 (H.B. 2031), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

Sec. 16.060. DESALINATION STUDIES AND RESEARCH. (a) The board shall undertake or participate in research, feasibility and facility planning studies, investigations, and surveys as it considers necessary to further the development of cost-effective water supplies from seawater or brackish groundwater desalination in the state.

(b) The board shall prepare a biennial progress report on the implementation of seawater or brackish groundwater desalination activities in the state and shall submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. The report shall include:

(1) results of the board's studies and activities relative to seawater or brackish groundwater desalination during the preceding biennium;

(2) identification and evaluation of research, regulatory, technical, and financial impediments to the implementation of seawater or brackish groundwater desalination projects;

(3) evaluation of the role the state should play in furthering the development of large-scale seawater or brackish groundwater desalination projects in the state;

(4) the anticipated appropriation from general revenues necessary to continue investigating water desalination activities in the state during the next biennium; and

(5) identification and designation of local or regional brackish groundwater production zones in areas of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater and that:

(A) are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in any area of the same or other aquifers, subdivisions of aquifers, or geologic strata that have an average total dissolved solids level of 1,000 milligrams per liter or less at the time of designation of the zones; and

(B) are not located in:

(i) an area of the Edwards Aquifer subject to the jurisdiction of the Edwards Aquifer Authority;

(ii) the boundaries of the:

(a) Barton Springs–Edwards Aquifer Conservation District;

(b) Harris–Galveston Subsidence District; or

(c) Fort Bend Subsidence District;

(iii) an aquifer, subdivision of an aquifer, or geologic stratum that:

(a) has an average total dissolved solids level of more than 1,000 milligrams per liter; and

(b) is serving as a significant source of water supply for municipal, domestic, or agricultural purposes at the time of designation of the zones; or

(iv) an area of a geologic stratum that is designated or used for wastewater injection through the use of injection wells or disposal wells permitted under Chapter 27.

(c) The board shall actively pursue federal sources of funding for desalination projects in the state.

(d) The board shall work together with groundwater conservation districts and stakeholders and shall consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish groundwater production zones under Subsection (b)(5).

(e) In designating a brackish groundwater production zone under this section, the board shall:

(1) determine the amount of brackish groundwater that the zone is capable of producing over a 30-year period and a 50-year period without causing a significant impact to water availability or water quality as described by Subsection (b)(5)(A); and

(2) include in the designation description:

(A) the amounts of brackish groundwater that the zone is capable of producing during the periods described by Subdivision (1); and

(B) recommendations regarding reasonable monitoring to observe the effects of brackish groundwater production within the zone.

SECTION 19.003. Section 36.001(31), Water Code, as added by Chapter 415 (H.B. 2767), Acts of the 84th Legislature, Regular Session, 2015, is repealed as duplicative of

Section 36.001(31), Water Code, as added by Chapter 308 (S.B. 854), Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 20. CHANGES RELATING TO THE DISPOSITION OF CERTAIN
CIVIL STATUTES

SECTION 20.001. (a) Section 86.17, Education Code, is repealed to conform to Chapter 570 (H.B. 1323), Acts of the 62nd Legislature, Regular Session, 1971.

(b) Section 1, Chapter 570 (H.B. 1323), Acts of the 62nd Legislature, Regular Session, 1971, is repealed as executed.

SECTION 20.002. (a) The Health and Safety Code is amended to codify the Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) by adding Title 13 to read as follows:

TITLE 13. ENVIRONMENTAL, HEALTH, AND SAFETY AUDIT PRIVILEGE ACT

CHAPTER 1101. ENVIRONMENTAL, HEALTH, AND SAFETY AUDIT PRIVILEGE
ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1101.001. SHORT TITLE. This chapter may be cited as the Texas Environmental, Health, and Safety Audit Privilege Act. (Acts 74th Leg., R.S., Ch. 219, Sec. 1.)

Sec. 1101.002. PURPOSE; CIRCUMVENTION BY RULE PROHIBITED. (a) The purpose of this chapter is to encourage voluntary compliance with environmental and occupational health and safety laws.

(b) A regulatory agency may not adopt a rule or impose a condition that circumvents the purpose of this chapter. (Acts 74th Leg., R.S., Ch. 219, Secs. 2, 11.)

Sec. 1101.003. DEFINITIONS. (a) In this chapter:

(1) "Acquisition closing date" means the date on which ownership of, or a direct or indirect majority interest in the ownership of, a regulated facility or operation is acquired in an asset purchase, equity purchase, merger, or similar transaction.

(2) "Audit report" means an audit report described by Section 1101.051.

(3) "Environmental or health and safety audit" or "audit" means a systematic voluntary evaluation, review, or assessment of compliance with environmental or health and safety laws or with any permit issued under an environmental or health and safety law conducted by an owner or operator, an employee of an owner or operator, a person, including an employee or independent contractor of the person, that is considering the acquisition of a regulated facility or operation, or an independent contractor of:

(A) a regulated facility or operation; or

(B) an activity at a regulated facility or operation.

(4) "Environmental or health and safety law" means:

(A) a federal or state environmental or occupational health and safety law; or

(B) a rule, regulation, or regional or local law adopted in conjunction with a law described by Paragraph (A).

(5) "Owner or operator" means a person who owns or operates a regulated facility or operation.

(6) "Penalty" means an administrative, civil, or criminal sanction imposed by the state to punish a person for a violation of a statute or rule. The term does not include a technical or remedial provision ordered by a regulatory authority.

(7) "Regulated facility or operation" means a facility or operation that is regulated under an environmental or health and safety law.

(b) A person acts intentionally for purposes of this chapter if the person acts intentionally within the meaning of Section 6.03, Penal Code.

(c) For purposes of this chapter, a person acts knowingly, or with knowledge, with respect to the nature of the person's conduct when the person is aware of the person's physical acts. A person acts knowingly, or with knowledge, with respect to the result of the person's conduct when the person is aware that the conduct will cause the result.

(d) A person acts recklessly or is reckless for purposes of this chapter if the person acts recklessly or is reckless within the meaning of Section 6.03, Penal Code.

(e) To fully implement the privilege established by this chapter, the term "environmental or health and safety law" shall be construed broadly. (Acts 74th Leg., R.S., Ch. 219, Sec. 3.)

Sec. 1101.004. **APPLICABILITY.** The privilege established by this chapter applies to environmental or health and safety audits that are conducted on or after May 23, 1995. (Acts 74th Leg., R.S., Ch. 219, Sec. 12.)

Sec. 1101.005. **RELATIONSHIP TO OTHER RECOGNIZED PRIVILEGES.** This chapter does not limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney-client privilege. (Acts 74th Leg., R.S., Ch. 219, Sec. 13.)

SUBCHAPTER B. GENERAL AUDIT PROVISIONS

Sec. 1101.051. **AUDIT REPORT.** (a) An audit report is a report that includes each document and communication, other than those described by Section 1101.102, produced from an environmental or health and safety audit.

(b) General components that may be contained in a completed audit report include:

(1) a report prepared by an auditor, monitor, or similar person, which may include:

(A) a description of the scope of the audit;

(B) the information gained in the audit and findings, conclusions, and recommendations; and

(C) exhibits and appendices;

(2) memoranda and documents analyzing all or a portion of the materials described by Subdivision (1) or discussing implementation issues; and

(3) an implementation plan or tracking system to correct past noncompliance, improve current compliance, or prevent future noncompliance.

(c) The types of exhibits and appendices that may be contained in an audit report include supporting information that is collected or developed for the primary purpose of and in the course of an environmental or health and safety audit, including:

(1) interviews with current or former employees;

(2) field notes and records of observations;

(3) findings, opinions, suggestions, conclusions, guidance, notes, drafts, and memoranda;

(4) legal analyses;

(5) drawings;

(6) photographs;

(7) laboratory analyses and other analytical data;

(8) computer-generated or electronically recorded information;

(9) maps, charts, graphs, and surveys; and

(10) other communications associated with an environmental or health and safety audit.

(d) To facilitate identification, each document in an audit report should be labeled "COMPLIANCE REPORT: PRIVILEGED DOCUMENT" or labeled with words of similar import. Failure to label a document under this section does not constitute a waiver of the privilege established by this chapter or create a presumption that the privilege does

or does not apply. (Acts 74th Leg., R.S., Ch. 219, Secs. 4(a), (b), (c), (d).)

Sec. 1101.052. PERIOD FOR COMPLETION OF AUDIT. (a) Unless an extension is approved by the governmental entity with regulatory authority over the regulated facility or operation based on reasonable grounds, an environmental or health and safety audit must be completed within a reasonable time not to exceed six months after:

(1) the date the audit is initiated; or

(2) the acquisition closing date, if the person continues the audit under Section 1101.053.

(b) Subsection (a)(1) does not apply to an environmental or health and safety audit conducted before the acquisition closing date by a person that is considering the acquisition of the regulated facility or operation. (Acts 74th Leg., R.S., Ch. 219, Secs. 4(e), (f).)

Sec. 1101.053. CONTINUATION OF AUDIT BEGUN BEFORE ACQUISITION CLOSING DATE. A person that begins an environmental or health and safety audit before becoming the owner of a regulated facility or operation may continue the audit after the acquisition closing date if the person gives notice under Section 1101.155. (Acts 74th Leg., R.S., Ch. 219, Sec. 4(d-1).)

SUBCHAPTER C. PRIVILEGE

Sec. 1101.101. SCOPE OF PRIVILEGE. (a) An audit report is privileged as provided by this section.

(b) Except as provided by Sections 1101.102, 1101.103, and 1101.104, any part of an audit report is privileged and is not admissible as evidence or subject to discovery in:

(1) a civil action, whether legal or equitable; or

(2) an administrative proceeding.

(c) A person, when called or subpoenaed as a witness, may not be compelled to testify or produce a document related to an environmental or health and safety audit if:

(1) the testimony or document discloses any item listed in Section 1101.051 that was made as part of the preparation of an audit report and that is addressed in a privileged part of an audit report; and

(2) the person is:

(A) a person who conducted any portion of the audit but did not personally observe the physical events;

(B) a person to whom the audit results are disclosed under Section 1101.103(b); or

(C) a custodian of the audit results.

(d) A person who conducts or participates in the preparation of an environmental or health and safety audit and who has actually observed physical events of violation may testify about those events but may not be compelled to testify about or produce documents related to the preparation of or any privileged part of an environmental or health and safety audit or any item listed in Section 1101.051.

(e) An employee of a state agency may not request, review, or otherwise use an audit report during an agency inspection of a regulated facility or operation or an activity of a regulated facility or operation.

(f) A party asserting the privilege created by this section has the burden of establishing the applicability of the privilege. (Acts 74th Leg., R.S., Ch. 219, Sec. 5.)

Sec. 1101.102. NONPRIVILEGED MATERIALS. (a) The privilege established by Section 1101.101 does not apply to:

(1) a document, communication, datum, or report or other information required by a regulatory agency to be collected, developed, maintained, or reported under a federal or state environmental or health and safety law;

(2) information obtained by observation, sampling, or monitoring by a regulatory agency; or

(3) information obtained from a source not involved in the preparation of the audit report.

(b) This section does not limit the right of a person to agree to conduct and disclose an audit report. (Acts 74th Leg., R.S., Ch. 219, Sec. 8.)

Sec. 1101.103. EXCEPTION: WAIVER. (a) The privilege established by Section 1101.101 does not apply to the extent the privilege is expressly waived by the owner or operator who prepared the audit report or caused the report to be prepared.

(b) Disclosure of an audit report or any information generated by an environmental or health and safety audit does not waive the privilege established by Section 1101.101 if the disclosure:

(1) is made to address or correct a matter raised by the audit and is made only to:

(A) a person employed by the owner or operator, including a temporary or contract employee;

(B) a legal representative of the owner or operator;

(C) an officer or director of the regulated facility or operation or a partner of the owner or operator;

(D) an independent contractor of the owner or operator;

(E) a person considering the acquisition of the regulated facility or operation that is the subject of the audit; or

(F) an employee, temporary employee, contract employee, legal representative, officer, director, partner, or independent contractor of a person described by Paragraph (E);

(2) is made under the terms of a confidentiality agreement between the person for whom the audit report was prepared or the owner or operator of the audited facility or operation and:

(A) a partner or potential partner of the owner or operator of the facility or operation;

(B) a transferee or potential transferee of the facility or operation;

(C) a lender or potential lender for the facility or operation;

(D) a governmental official of a state; or

(E) a person engaged in the business of insuring, underwriting, or indemnifying the facility or operation; or

(3) is made under a claim of confidentiality to a governmental official or agency by the person for whom the audit report was prepared or by the owner or operator.

(c) A party to a confidentiality agreement described by Subsection (b)(2) who violates that agreement is liable for damages caused by the disclosure and for any other penalties stipulated in the confidentiality agreement.

(d) Information that is disclosed under Subsection (b)(3) is confidential and is not subject to disclosure under Chapter 552, Government Code. A public entity, public employee, or public official who discloses information in violation of this subsection is subject to any penalty provided by Chapter 552, Government Code. It is an affirmative defense to the clerical dissemination of a privileged audit report that the report was not clearly labeled "COMPLIANCE REPORT: PRIVILEGED DOCUMENT" or labeled with words of similar import. The lack of labeling may not be raised as a defense if the entity, employee, or official knew or had reason to know that the document was a privileged audit report.

(e) This section may not be construed to circumvent the protections provided by federal or state law for individuals who disclose information to law enforcement authorities. (Acts 74th Leg., R.S., Ch. 219, Sec. 6.)

Sec. 1101.104. EXCEPTION: DISCLOSURE REQUIRED BY COURT OR ADMINISTRATIVE HEARINGS OFFICIAL. (a) A court or administrative hearings official with

competent jurisdiction may require disclosure of a portion of an audit report in a civil or administrative proceeding if the court or administrative hearings official determines, after an in camera review consistent with the appropriate rules of procedure, that:

- (1) the privilege is asserted for a fraudulent purpose;
 - (2) the portion of the audit report is not subject to the privilege by application of Section 1101.102; or
 - (3) the portion of the audit report shows evidence of noncompliance with an environmental or health and safety law and appropriate efforts to achieve compliance with the law were not promptly initiated and pursued with reasonable diligence after discovery of noncompliance.
- (b) A party seeking disclosure under this section has the burden of proving that Subsection (a)(1), (2), or (3) applies.
- (c) Notwithstanding Chapter 2001, Government Code, a decision of an administrative hearings official under Subsection (a)(1), (2), or (3) of this section is directly appealable to a court of competent jurisdiction without disclosure of the audit report to any person unless so ordered by the court.
- (d) A person claiming the privilege is subject to sanctions as provided by Rule 215 of the Texas Rules of Civil Procedure or to a fine not to exceed \$10,000 if the court finds, consistent with fundamental due process, that the person intentionally or knowingly claimed the privilege for information that, by application of Section 1101.102, is not subject to the privilege.

(e) A determination of a court under this section is subject to interlocutory appeal to an appropriate appellate court. (Acts 74th Leg., R.S., Ch. 219, Sec. 7.)

Sec. 1101.105. REVIEW OF PRIVILEGED DOCUMENTS BY GOVERNMENTAL AUTHORITY. (a) If an audit report is obtained, reviewed, or used in a criminal proceeding, the administrative or civil evidentiary privilege established by Section 1101.101 is not waived or eliminated for any other purpose.

(b) Notwithstanding the privilege established by Section 1101.101, a regulatory agency may review information that is required to be available under a specific state or federal law, but that review does not waive or eliminate the administrative or civil evidentiary privilege if applicable.

(c) If information is required to be available to the public by operation of a specific state or federal law, the governmental authority shall notify the person claiming the privilege of the potential for public disclosure before obtaining the information under Subsection (a) or (b).

(d) If privileged information is disclosed under Subsection (b) or (c), on the motion of a party, a court or the appropriate administrative official shall suppress evidence offered in any civil or administrative proceeding that arises or is derived from review, disclosure, or use of information obtained under this section unless the review, disclosure, or use is authorized under Section 1101.102. A party having received information under Subsection (b) or (c) has the burden of proving that the evidence offered did not arise and was not derived from the review of privileged information. (Acts 74th Leg., R.S., Ch. 219, Sec. 9.)

SUBCHAPTER D. VOLUNTARY DISCLOSURE; IMMUNITY

Sec. 1101.151. IMMUNITY FOR VIOLATION VOLUNTARILY DISCLOSED. Except as otherwise provided by this subchapter, a person who makes a voluntary disclosure of a violation of an environmental or health and safety law is immune from an administrative or civil penalty for the violation disclosed. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(a).)

Sec. 1101.152. NATURE OF VOLUNTARY DISCLOSURE. (a) A disclosure is voluntary for purposes of this subchapter only if:

- (1) the disclosure was made:
 - (A) promptly after knowledge of the information disclosed is obtained by the person making the disclosure; or

(B) not later than the 45th day after the acquisition closing date, if the violation was discovered during an audit conducted before the acquisition closing date by a person considering the acquisition of the regulated facility or operation;

(2) the disclosure was made in writing by certified mail to an agency that has regulatory authority with regard to the violation disclosed;

(3) an investigation of the violation was not initiated or the violation was not independently detected by an agency with enforcement jurisdiction before the disclosure was made using certified mail;

(4) the disclosure arises out of a voluntary environmental or health and safety audit;

(5) the person making the disclosure initiates an appropriate effort to achieve compliance, pursues that effort with due diligence, and corrects the noncompliance within a reasonable time;

(6) the person making the disclosure cooperates with the appropriate agency in connection with an investigation of the issues identified in the disclosure; and

(7) the violation did not result in:

(A) injury or imminent and substantial risk of serious injury to one or more persons at the site; or

(B) off-site substantial actual harm or imminent and substantial risk of harm to persons, property, or the environment.

(b) For a disclosure described by Subsection (a)(1)(B), the person making the disclosure must certify in the disclosure that before the acquisition closing date:

(1) the person was not responsible for the environmental, health, or safety compliance at the regulated facility or operation that is subject to the disclosure;

(2) the person did not have the largest ownership share of the seller;

(3) the seller did not have the largest ownership share of the person; and

(4) the person and the seller did not have a common corporate parent or a common majority interest owner.

(c) A disclosure is not voluntary for purposes of this subchapter if the disclosure is a report to a regulatory agency required solely by a specific condition of an enforcement order or decree. (Acts 74th Leg., R.S., Ch. 219, Secs. 10(b), (b-1), (c).)

Sec. 1101.153. BURDEN OF PROOF WITH RESPECT TO VOLUNTARY DISCLOSURE. (a) In a civil or administrative enforcement action brought against a person for a violation for which the person claims to have made a voluntary disclosure, the person claiming the immunity created by this subchapter has the burden of establishing a prima facie case that the disclosure was voluntary.

(b) After the person claiming the immunity establishes a prima facie case of voluntary disclosure, other than a case in which immunity does not apply under Section 1101.157, the enforcement authority has the burden of rebutting the presumption by a preponderance of the evidence. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(f).)

Sec. 1101.154. NOTICE REQUIREMENT. (a) This section does not apply to an environmental or health and safety audit conducted before the acquisition closing date by a person considering the acquisition of the regulated facility or operation that is the subject of the audit.

(b) To receive immunity under this subchapter, a facility conducting an environmental or health and safety audit under this chapter must provide notice to an appropriate regulatory agency of the fact that it is planning to begin the audit.

(c) The notice must specify:

(1) the facility or portion of the facility to be audited;

(2) the anticipated time the audit will begin; and

(3) the general scope of the audit.

(d) The notice may provide notification of more than one scheduled environmental or health and safety audit at a time. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(g).)

Sec. 1101.155. NOTICE REQUIREMENT FOR CERTAIN AUDITS BEGUN BEFORE ACQUISITION CLOSING DATE. (a) A person that begins an environmental or health and safety audit before becoming the owner of the regulated facility or operation that is the subject of the audit may continue the audit after the acquisition closing date if, not later than the 45th day after the acquisition closing date, the person provides notice to an appropriate regulatory agency of the fact that the person intends to continue an ongoing audit.

(b) The notice must specify:

- (1) the facility or portion of the facility being audited;
- (2) the date the audit began; and
- (3) the general scope of the audit.

(c) The person must certify in the notice that before the acquisition closing date:

- (1) the person was not responsible for the scope of the environmental, health, or safety compliance being audited at the regulated facility or operation;
- (2) the person did not have the largest ownership share of the seller;
- (3) the seller did not have the largest ownership share of the person; and
- (4) the person and the seller did not have a common corporate parent or a common majority interest owner. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(g-1).)

Sec. 1101.156. IDENTIFICATION OF VIOLATION IN COMPLIANCE HISTORY REPORT. A violation that has been voluntarily disclosed and to which immunity applies under this subchapter must be identified in a compliance history report as being voluntarily disclosed. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(i).)

Sec. 1101.157. EXCEPTION TO IMMUNITY: CERTAIN VIOLATIONS AND OFFENSES; IMPOSITION OF PENALTY; MITIGATING FACTORS. (a) The immunity established by this subchapter does not apply and an administrative or civil penalty may be imposed under applicable law if:

- (1) the person who made the disclosure intentionally or knowingly committed or was responsible within the meaning of Section 7.02, Penal Code, for the commission of the disclosed violation;
- (2) the person who made the disclosure recklessly committed or was responsible within the meaning of Section 7.02, Penal Code, for the commission of the disclosed violation and the violation resulted in substantial injury to one or more persons at the site or off-site harm to persons, property, or the environment;
- (3) the offense was committed intentionally or knowingly by a member of the person's management or an agent of the person and the person's policies or lack of prevention systems contributed materially to the occurrence of the violation;
- (4) the offense was committed recklessly by a member of the person's management or an agent of the person, the person's policies or lack of prevention systems contributed materially to the occurrence of the violation, and the violation resulted in substantial injury to one or more persons at the site or off-site harm to persons, property, or the environment; or
- (5) the violation has resulted in a substantial economic benefit that gives the violator a clear advantage over its business competitors.

(b) A penalty that is imposed under Subsection (a) should, to the extent appropriate, be mitigated by factors such as:

- (1) the voluntariness of the disclosure;
- (2) efforts by the disclosing party to conduct environmental or health and safety audits;
- (3) remediation;

- (4) cooperation with government officials investigating the disclosed violation;
- (5) the period of ownership of the regulated facility or operation; or
- (6) other relevant considerations. (Acts 74th Leg., R.S., Ch. 219, Secs. 10(d), (e).)

Sec. 1101.158. EXCEPTION TO IMMUNITY: VIOLATIONS THAT CONSTITUTE PATTERN OF DISREGARD OF ENVIRONMENTAL OR HEALTH AND SAFETY LAWS.

(a) The immunity established by this subchapter does not apply if a court or administrative law judge finds that the person claiming the immunity has, after May 23, 1995, repeatedly or continuously committed significant violations and not attempted to bring the facility or operation into compliance, so as to constitute a pattern of disregard of environmental or health and safety laws.

(b) For violations committed by a person to be considered a "pattern" under Subsection (a), the person must have committed a series of violations that were due to separate and distinct events occurring within a three-year period at the same facility or operation. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(h).)

(b) The Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) is repealed.

(c) Section 552.125, Government Code, is amended to read as follows:

Sec. 552.125. EXCEPTION: CERTAIN AUDITS. Any documents or information privileged under *Chapter 1101, Health and Safety Code*, [~~the Texas Environmental, Health, and Safety Audit Privilege Act~~] are excepted from the requirements of Section 552.021.

(d) Section 5.125(a), Water Code, is amended to read as follows:

(a) In this section, "environmental compliance assessment" means an environmental compliance audit, pollution prevention assessment, or environmental management system audit performed by a small business. The term does not include an audit conducted under *Chapter 1101, Health and Safety Code* [~~the Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes)~~].

SECTION 20.003. Section 2, Chapter 7 (S.B. 80), Acts of the 69th Legislature, Regular Session, 1985 (Article 6819a-55, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 20.004. (a) Subtitle C, Title 10, Local Government Code, is amended to codify the Cultural Education Facilities Finance Corporation Act (Article 1528m, Vernon's Texas Civil Statutes) by adding Chapter 337 to read as follows:

CHAPTER 337. CULTURAL EDUCATION FACILITIES FINANCE CORPORATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 337.001. SHORT TITLE. This chapter may be cited as the Cultural Education Facilities Finance Corporation Act. (Acts 69th Leg., R.S., Ch. 635, Sec. 1.)

Sec. 337.002. LEGISLATIVE FINDINGS. The legislature finds that:

(1) the health, education, and general welfare of the people of this state require the development of new and expanded cultural and community facilities for the purpose of:

(A) exhibition and promotion of and education about:

- (i) performing, dramatic, visual, and literary arts;
- (ii) culture and history of races, ethnic groups, and national heritage groups; and
- (iii) history, natural history, and science;

(B) promotion of and education about health and physical fitness, public health and safety, conservation and preservation of the environment or natural resources, child care, adoption, children's services, substance abuse counseling, family counseling, and care of persons who are elderly or have disabilities;

(C) administration of the provision and granting of charitable services and grants in accomplishment of the purposes described by Paragraph (B);

(D) promotion of and education about activities devoted to general cultural improvement, including scouting programs and programs by which agencies seek to provide facilities for retreats in urban or rural settings;

(E) support of agencies devoted to the eradication, elimination, or amelioration of one or more diseases or afflictions affecting health or improving the condition of individuals or groups within a community; and

(F) provision of public health and safety and charitable services to communities in times of catastrophe or disaster;

(2) the existence, development, and expansion of cultural facilities are essential to the continuing education, health, general welfare, and comfort of the citizens of this state;

(3) the means and measures authorized and the assistance provided by this chapter are in the public interest and serve a public purpose in promoting the health, education, and general welfare of the people of this state by securing and maintaining cultural facilities and the resulting advancement of culture and civilization;

(4) qualified cultural organizations in this state have invested substantial funds in useful and beneficial cultural facilities and have experienced difficulty in undertaking additional projects because of:

(A) the partial inadequacy of their own funds or of funds potentially available from local subscription sources; and

(B) limitations of local financial institutions in providing necessary financing for these facilities;

(5) qualified nonprofit corporations in this state have invested substantial funds in useful and beneficial cultural facilities and have experienced difficulty in undertaking additional projects because of:

(A) the inadequacy of their own funds or of funds potentially available from local subscription sources; and

(B) limitations of local financial institutions in providing necessary financing for these facilities; and

(6) the enactment of this chapter will:

(A) secure for present and future generations the benefits and nurturance derived from these cultural facilities; and

(B) enhance the public health and welfare of communities receiving the benefit of the cultural facilities. (Acts 69th Leg., R.S., Ch. 635, Sec. 2(a).)

Sec. 337.003. CONSTRUCTION. (a) This chapter shall be liberally construed to carry out the intention of the legislature.

(b) If this chapter conflicts with a provision of another law, this chapter prevails.

(c) It is the intent of the legislature that a corporation authorized under this chapter is a public corporation, constituted authority, and instrumentality authorized to issue bonds on behalf of the municipality or county on behalf of which the corporation is created, all within the meaning of Section 103, Internal Revenue Code of 1986, and the regulations adopted and rulings issued under that section, and this chapter shall be construed accordingly. (Acts 69th Leg., R.S., Ch. 635, Secs. 2(b), 5(a), (b) (part).)

Sec. 337.004. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of a corporation.

(2) "Bond" means a bond, note, interim certificate, or other evidence of indebtedness of a corporation issued under this chapter.

(3) "Corporation" means a cultural education facilities finance corporation created under this chapter.

(4) "Cost," as applied to a cultural facility, means the cost of the cultural facility, including:

(A) the cost of the acquisition of land or a right-of-way, an option to purchase land, an easement, a leasehold estate in land, or another interest in land related to the cultural facility;

(B) the cost of acquisition, construction, repair, renovation, remodeling, or improvement of a building or structure to be used as or in conjunction with the cultural facility;

(C) the cost of site preparation, including the cost of demolishing or removing a building or structure the removal of which is necessary or incident to providing the cultural facility;

(D) the cost of architectural, engineering, legal, and related services; the cost of the preparation of a plan, specification, study, survey, or estimate of cost and revenue; and other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of the cultural facility;

(E) the cost of machinery, equipment, furnishings, and facilities necessary or incident to the equipping of the cultural facility so that the cultural facility may be placed in operation;

(F) the cost of finance charges, interest, marketing, and start-up of the cultural facility before and during construction and for not more than two years after completion of construction;

(G) costs paid or incurred in connection with the financing of the cultural facility, including out-of-pocket expenses; bond insurance; a letter of credit, standby bond purchase agreement, or liquidity facility; financing, legal, accounting, financial advisory, and appraisal fees; expenses and disbursements; a policy of title insurance; printing, engraving, and reproduction services; and the initial or acceptance fee of a trustee, paying agent, remarketing agent, tender agent, or indexing agent; and

(H) direct and indirect costs of the corporation incurred in connection with providing the cultural facility, including reasonable sums to reimburse the corporation for time spent by the corporation's agents or employees in providing and financing the cultural facility.

(5) "Cultural facility" means any capital expenditure by a user. The term includes:

(A) real property or an interest in real property, including buildings and improvements, or equipment, furnishings, or other personal property that:

(i) is found by the board to be necessary or convenient to finance, refinance, acquire, construct, enlarge, remodel, renovate, improve, furnish, or equip for cultural education or community benefit;

(ii) is made available for use by the general public, the user, or a community group; and

(iii) is used for a purpose described by Section 337.002(1);

(B) a facility in which any of the following entities engage in any activity in which the entity is permitted to engage:

(i) a nonprofit corporation exempt from the franchise tax under Section 171.063, Tax Code;

(ii) an organization described in Section 11.18, Tax Code; or

(iii) an organization described in Section 501(c)(3), Internal Revenue Code of 1986; and

(C) facilities incidental, subordinate, or related to or appropriate in connection with property described by Paragraph (A) or (B), regardless of the date of construction or acquisition.

(6) "Furnishings" include works of art, books, artifacts, scientific instruments, stage

sets, musical scores, collections, and other property necessary or useful for the purposes of the cultural facility.

(7) "User" means a nonprofit corporation exempt from the franchise tax under Section 171.063, Tax Code, an organization described in Section 11.18, Tax Code, or an organization described in Section 501(c)(3), Internal Revenue Code of 1986, that will own, use, operate, or develop a cultural facility after the financing, acquisition, or construction of the cultural facility. (Acts 69th Leg., R.S., Ch. 635, Secs. 3(1), (2), (3), (4), (5), (8), (9).)

Sec. 337.005. ADOPTION OF ALTERNATE PROCEDURE. If a procedure under this chapter is held by a court to be unconstitutional, a corporation by resolution may provide an alternate procedure conforming to the constitution. (Acts 69th Leg., R.S., Ch. 635, Sec. 5(b) (part).)

SUBCHAPTER B. CREATION AND OPERATION OF CORPORATION

Sec. 337.011. AUTHORITY TO CREATE. (a) A municipality or county may create a nonmember, nonstock, public, cultural educational facilities finance corporation for the sole purpose of acquiring, constructing, providing, improving, financing, and refinancing cultural facilities for the public purposes stated in this chapter.

(b) The municipality or county shall create and organize the corporation in the same manner as a health facilities development corporation is created and organized under Chapter 221, Health and Safety Code. (Acts 69th Leg., R.S., Ch. 635, Secs. 4(a), (b) (part).)

Sec. 337.012. GENERAL POWERS. (a) A corporation has the same powers, authority, and rights:

(1) with respect to cultural facilities and health facilities that a health facilities development corporation has with respect to health facilities under Chapter 221, Health and Safety Code; and

(2) with respect to educational facilities, housing facilities, and other facilities incidental, subordinate, or related to those facilities that a nonprofit corporation created under Section 53.35(b), Education Code, or an authority created under Section 53.11, Education Code, has under Chapter 53, Education Code.

(b) Except as provided by this chapter, a corporation has the same rights and powers as a corporation organized under the former Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or formed under the Texas Nonprofit Corporation Law, as described by Section 1.008(d), Business Organizations Code.

(c) The powers of a corporation under Subsection (a) include the power to:

(1) acquire, purchase, lease, mortgage, and convey property with respect to a facility;

(2) borrow money by issuing bonds, notes, and other obligations;

(3) lend money for the corporation's corporate purposes;

(4) invest and reinvest the corporation's funds; and

(5) secure the corporation's bonds, notes, and obligations by mortgaging, pledging, assigning, or otherwise encumbering the corporation's property or assets.

(d) Except as otherwise provided by this chapter, any bonds, notes, or other obligations authorized under Subsection (c) must be issued in accordance with Chapter 1201, Government Code. (Acts 69th Leg., R.S., Ch. 635, Secs. 4(b) (part), (c), 5(c).)

Sec. 337.013. SCOPE OF AUTHORITY. (a) Notwithstanding any provision of Chapter 221, Health and Safety Code, or Chapter 53, Education Code, a corporation may exercise:

(1) the authority of the corporation inside or outside the limits of:

(A) the municipality that created the corporation if the municipality is located in a county with a population of more than 300,000; or

(B) the county that created the corporation if the county has a population of more than 300,000; and

(2) the powers of the corporation on behalf of a user outside of this state if the user also conducts lawful activities in this state.

(b) A corporation may exercise the authority of the corporation without the consent or other action of any person that would otherwise be required under Chapter 221, Health and Safety Code, or Chapter 53, Education Code, unless the articles of incorporation or bylaws of the corporation provide differently. (Acts 69th Leg., R.S., Ch. 635, Secs. 4(d) (part), (e).)

Sec. 337.014. LIMITATION ON AUTHORITY. The authority of a corporation may not preempt the police powers of any sponsoring entity or any other laws regulating or empowering sponsoring entities to regulate the activities of the corporation. (Acts 69th Leg., R.S., Ch. 635, Sec. 4(d) (part).)

Sec. 337.015. LIMITATION ON CORPORATE PURPOSES. (a) A municipality or county that creates a corporation may limit the corporation's purposes in the proceedings directing the creation of the corporation by prohibiting the corporation from financing particular types of cultural facilities, including a cultural facility to be used for a purpose specified in the proceedings.

(b) As a condition of providing financing, a corporation may restrict a person receiving financing from using a cultural facility for a particular purpose.

(c) A restriction imposed by a municipality or county on a corporation may be enforced by the governing body of the sponsoring entity by injunction or mandamus.

(d) A violation of a restriction by a corporation may not impair the validity of an obligation incurred by the corporation. (Acts 69th Leg., R.S., Ch. 635, Sec. 4A.)

(b) The Cultural Education Facilities Finance Corporation Act (Article 1528m, Vernon's Texas Civil Statutes) is repealed.

**ARTICLE 21. NONSUBSTANTIVE REVISION OF SUBCHAPTER E,
CHAPTER 39, AND SECTION 39.152, EDUCATION CODE: PROVISIONS
RELATING TO PUBLIC SCHOOL ACCOUNTABILITY INTERVENTIONS
AND SANCTIONS**

SECTION 21.001. Subtitle H, Title 2, Education Code, is amended by adding Chapter 39A to read as follows:

CHAPTER 39A. ACCOUNTABILITY INTERVENTIONS AND SANCTIONS

SUBCHAPTER A. INTERVENTIONS AND SANCTIONS FOR SCHOOL DISTRICTS

Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The commissioner shall take any of the actions authorized by this subchapter to the extent the commissioner determines necessary if:

(1) a school district does not satisfy:

(A) the accreditation criteria under Section 39.052;

(B) the academic performance standards under Section 39.053 or 39.054; or

(C) any financial accountability standard as determined by commissioner rule; or

(2) the commissioner considers the action to be appropriate on the basis of a special accreditation investigation under Section 39.057. (Ed. Code, Sec. 39.102(a) (part).)

Sec. 39A.002. AUTHORIZED COMMISSIONER ACTIONS. If a school district is subject to commissioner action under Section 39A.001, the commissioner may:

(1) issue public notice of the deficiency to the board of trustees of the district;

(2) order a hearing to be conducted by the board of trustees of the district to notify the public of:

(A) the insufficient performance;

(B) the improvements in performance expected by the agency; and

(C) the interventions and sanctions that may be imposed under this subchapter if the performance does not improve;

(3) order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;

(4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5) arrange a monitoring review of the district;

(6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees of the district or superintendent;

(7) appoint a conservator to oversee the operations of the district; or

(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person. (Ed. Code, Sec. 39.102(a) (part).)

Sec. 39A.003. POWERS AND DUTIES OF CONSERVATOR OR MANAGEMENT TEAM. (a) The commissioner shall clearly define the powers and duties of a conservator or management team appointed to oversee the operations of a school district.

(b) At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance of the school district or delivery of instructional services.

(c) A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of the appointment of a board of managers under Section 39A.004 or the revocation of accreditation under Section 39A.005. The conservator or management team:

(1) may direct an action to be taken by the principal of a campus, the superintendent of the school district, or the board of trustees of the district;

(2) may approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board of trustees of the district;

(3) may not take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;

(4) may not change the number of or method of selecting the board of trustees;

(5) may not set a tax rate for the district; and

(6) may not adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board of trustees. (Ed. Code, Sec. 39.111.)

Sec. 39A.004. APPOINTMENT OF BOARD OF MANAGERS. The commissioner may appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under Section 39A.001 and:

(1) has a current accreditation status of accredited-warned or accredited-probation;

(2) fails to satisfy any standard under Section 39.054(e); or

(3) fails to satisfy financial accountability standards as determined by commissioner rule. (Ed. Code, Sec. 39.102(a) (part).)

Sec. 39A.005. REVOCATION OF SCHOOL DISTRICT ACCREDITATION. (a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001, and for two consecutive school years, including the current school year, the district has:

- (1) received an accreditation status of accredited-warned or accredited-probation;
- (2) failed to satisfy any standard under Section 39.054(e); or
- (3) failed to satisfy financial accountability standards as determined by commissioner rule.

(b) The commissioner may revoke the accreditation of a school district subject to this section and:

- (1) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or
- (2) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter. (Ed. Code, Sec. 39.102(a) (part).)

Sec. 39A.006. BOARD OF MANAGERS FOR SCHOOL DISTRICT MANAGED BY CONSERVATOR OR MANAGEMENT TEAM. (a) This section applies regardless of whether a school district has satisfied the accreditation criteria.

(b) If for two consecutive school years, including the current school year, a school district has had a conservator or management team assigned, the commissioner may appoint a board of managers to exercise the powers and duties of the board of trustees of the district.

(c) The majority of a board of managers appointed under this section must be residents of the school district. (Ed. Code, Sec. 39.102(b).)

Sec. 39A.007. INTERVENTION TO IMPROVE HIGH SCHOOL COMPLETION RATE. (a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001 and the district has failed to satisfy any standard under Section 39.054(e) because of the district's dropout rates.

(b) The commissioner may impose against a school district subject to this section sanctions designed to improve high school completion rates, including:

- (1) ordering the development of a dropout prevention plan for approval by the commissioner;
- (2) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;
- (3) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and
- (4) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling. (Ed. Code, Sec. 39.102(a) (part).)

SUBCHAPTER B. CAMPUS INTERVENTION TEAM; TARGETED IMPROVEMENT PLAN

Sec. 39A.051. ACTIONS BASED ON CAMPUS PERFORMANCE. (a) If the performance of a campus is below any standard under Section 39.054(e), the commissioner shall:

- (1) take actions, to the extent the commissioner determines necessary, as provided by this chapter; and
- (2) assign a campus intervention team.

(b) For a campus described by Subsection (a), the commissioner, to the extent the commissioner determines necessary, may:

- (1) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the school district, the district superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement; or
- (2) establish a school community partnership team composed of members of the

campus-level planning and decision-making committee established under Section 11.251 and additional community representatives as determined appropriate by the commissioner. (Ed. Code, Secs. 39.103(a), (b), 39.106(a) (part).)

Sec. 39A.052. **CAMPUS INTERVENTION TEAM MEMBERS.** A campus intervention team assigned by the commissioner under Section 39A.051 may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team. (Ed. Code, Sec. 39.113.)

Sec. 39A.053. **ON-SITE NEEDS ASSESSMENT.** (a) A campus intervention team shall:

(1) conduct, with the involvement and advice of the school community partnership team, if applicable:

(A) if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (c); or

(B) a targeted on-site needs assessment relevant to an area of insufficient performance of the campus as provided by Subsection (d); and

(2) recommend appropriate actions as provided by Section 39A.054.

(b) An on-site needs assessment required by Subsection (a) must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

(c) In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the following guidelines and procedures:

(1) an assessment of the staff to determine:

(A) the percentage of certified teachers who are teaching in their field;

(B) the percentage of teachers who are certified;

(C) the number of teachers with more than three years of experience; and

(D) the rate of teacher retention;

(2) a determination of compliance with the appropriate class-size rules and the number of class-size waivers received;

(3) an assessment of the quality, quantity, and appropriateness of instructional materials, including the availability of technology-based instructional materials;

(4) a report on the parental involvement strategies and the effectiveness of the strategies;

(5) an assessment of the extent and quality of the mentoring program provided for:

(A) new teachers on the campus; and

(B) experienced teachers on the campus who have less than two years of teaching experience in the subject or grade level to which the teacher is assigned;

(6) an assessment of the type and quality of the professional development provided to the staff;

(7) a demographic analysis of the student population, including student demographics, at-risk populations, and special education percentages;

(8) a report of disciplinary incidents and school safety information;

(9) financial and accounting practices;

(10) an assessment of the appropriateness of the curriculum and teaching strategies;

(11) a comparison of the findings from Subdivisions (1) through (10) to other campuses serving the same grade levels in the school district or to other campuses in the campus's comparison group if there are no other campuses in the district serving the same grade levels as the campus; and

(12) any other research-based data or information obtained from a data collection process that would assist the campus intervention team in:

(A) recommending an action under Section 39A.054; and

(B) executing a targeted improvement plan under Section 39A.059.

(d) In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described by Subsection (c) relevant to each area of insufficient performance. (Ed. Code, Secs. 39.106(a) (part), (b).)

Sec. 39A.054. CAMPUS INTERVENTION TEAM RECOMMENDATIONS. On completing the on-site needs assessment required under Section 39A.053, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

(1) reallocation of resources;

(2) technical assistance;

(3) changes in school procedures or operations;

(4) staff development for instructional and administrative staff;

(5) intervention for individual administrators or teachers;

(6) waivers from state statutes or rules;

(7) teacher recruitment or retention strategies and incentives provided by the school district to attract and retain teachers with the characteristics included in Sections 39A.053(c)(1)(A)–(C); or

(8) other actions the campus intervention team considers appropriate. (Ed. Code, Sec. 39.106(c).)

Sec. 39A.055. TARGETED IMPROVEMENT PLAN. In addition to the campus intervention team duties under Sections 39A.053 and 39A.054 relating to the on-site needs assessment, the campus intervention team shall:

(1) assist the campus in developing a targeted improvement plan;

(2) conduct a public meeting at the campus with the campus principal, the members of the campus-level planning and decision-making committee established under Section 11.251, parents of students attending the campus, and community members residing in the school district to review the campus performance rating and solicit input for the development of the targeted improvement plan;

(3) assist the campus in submitting the targeted improvement plan to the board of trustees of the district for approval and presenting the plan in a public hearing as provided by Section 39A.057; and

(4) assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan. (Ed. Code, Sec. 39.106(a) (part).)

Sec. 39A.056. NOTICE OF PUBLIC MEETING FOR DEVELOPMENT OF TARGETED IMPROVEMENT PLAN. (a) The campus intervention team must:

(1) provide written notice of the public meeting required by Section 39A.055(2) to the parents of students attending the campus; and

(2) post notice of the meeting on the campus's Internet website.

(b) The notice required by this section must include the date, time, and place of the meeting. (Ed. Code, Sec. 39.106(a–1).)

Sec. 39A.057. HEARING FOR TARGETED IMPROVEMENT PLAN. (a) After a targeted improvement plan or an updated targeted improvement plan is submitted to the board of trustees of the school district, the board shall conduct a hearing to:

(1) notify the public of:

(A) the insufficient performance of the campus;

(B) the improvements in performance expected by the agency; and

(C) the intervention measures or sanctions that may be imposed under this chapter if the performance does not improve within a designated period; and

(2) solicit public comment on the targeted improvement plan or updated targeted improvement plan.

(b) The board of trustees of the school district must post the targeted improvement plan on the district's Internet website before the hearing.

(c) The board of trustees of the school district may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan. (Ed. Code, Sec. 39.106(e-1) (part).)

Sec. 39A.058. SUBMISSION OF TARGETED IMPROVEMENT PLAN TO COMMISSIONER. The board of trustees of the school district shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. (Ed. Code, Secs. 39.106(d), (e-1) (part).)

Sec. 39A.059. EXECUTING TARGETED IMPROVEMENT PLAN. In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

(1) assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;

(2) provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

(3) require the school district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus. (Ed. Code, Sec. 39.106(d-3).)

Sec. 39A.060. CAMPUS INTERVENTION TEAM CONTINUING DUTIES. For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

(1) continue to work with the campus until:

(A) the campus satisfies all performance standards under Section 39.054(e) for a two-year period; or

(B) the campus satisfies all performance standards under Section 39.054(e) for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement;

(2) assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

(3) submit each updated targeted improvement plan described by Subdivision (2) to the board of trustees of the school district. (Ed. Code, Sec. 39.106(e).)

Sec. 39A.061. SATISFACTION OF CERTAIN REQUIREMENTS RELATED TO CAMPUS PLANNING AND SITE-BASED DECISION-MAKING. (a) The commissioner may authorize a school community partnership team established under Section 39A.051 to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee under Subchapter F, Chapter 11.

(b) The commissioner may authorize a targeted improvement plan or an updated targeted improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11. (Ed. Code, Secs. 39.106(d-1), (d-2).)

Sec. 39A.062. SUBMISSION OF CAMPUS IMPROVEMENT PLAN IN CERTAIN CIRCUMSTANCES. (a) This section applies if the performance of a campus satisfies performance standards under Section 39.054(e) for the current school year but would not

satisfy performance standards under Section 39.054(e) if the standards to be used for the following school year were applied to the current school year.

(b) On the request of the commissioner, the campus-level planning and decision-making committee established under Section 11.251 shall revise and submit to the commissioner the portions of the campus improvement plan developed under Section 11.253 that are relevant to those areas for which the campus would not satisfy performance standards. The revised portions of the improvement plan must be submitted in an electronic format. (Ed. Code, Sec. 39.105(a).)

Sec. 39A.063. COMPLIANCE THROUGH INTERVENTION UNDER FEDERAL ACCOUNTABILITY. Notwithstanding the provisions of this chapter, if the commissioner determines that a campus subject to interventions or sanctions under this chapter has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with this chapter. (Ed. Code, Sec. 39.103(c).)

SUBCHAPTER C. CAMPUS TURNAROUND PLAN

Sec. 39A.101. ORDER FOR PREPARATION OF CAMPUS TURNAROUND PLAN.

(a) If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.

(b) The commissioner shall by rule establish procedures governing the time and manner in which the campus must submit the campus turnaround plan.

(c) A campus intervention team shall assist the campus in:

(1) developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;

(2) submitting the updated targeted improvement plan to the board of trustees of the school district for approval and presenting the plan in a public hearing as provided by Section 39A.057;

(3) obtaining approval of the updated plan from the commissioner; and

(4) executing the updated plan on approval by the commissioner.

(d) The updated targeted improvement plan submitted to the board of trustees of a school district under Subsection (c) must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board of trustees. (Ed. Code, Secs. 39.107(a), (a-1), (b-3).)

Sec. 39A.102. IMPLEMENTATION OF UPDATED TARGETED IMPROVEMENT PLAN. (a) A campus subject to Section 39A.101 shall implement the updated targeted improvement plan as approved by the commissioner.

(b) The commissioner may appoint a monitor, conservator, management team, or board of managers to the school district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

(c) In making appointments under Subsection (b), the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve. (Ed. Code, Sec. 39.107(c).)

Sec. 39A.103. NOTICE OF CAMPUS TURNAROUND PLAN. Before a campus turnaround plan is prepared and submitted for approval to the board of trustees of the school district, the district, in consultation with the campus intervention team, shall:

(1) provide notice to parents, the community, and stakeholders that the campus has received an unacceptable performance rating for two consecutive years and will be required to submit a campus turnaround plan; and

(2) request assistance from parents, the community, and stakeholders in developing the campus turnaround plan. (Ed. Code, Sec. 39.107(a-2).)

Sec. 39A.104. PREPARATION OF CAMPUS TURNAROUND PLAN. (a) The school

district, in consultation with the campus intervention team, shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the board of trustees of the district.

(b) The campus turnaround plan must assist the campus in implementing procedures to satisfy all performance standards required under Section 39.054(e). (Ed. Code, Sec. 39.107(b) (part).)

Sec. 39A.105. CONTENTS OF CAMPUS TURNAROUND PLAN. A campus turnaround plan must include:

- (1) details on the method for restructuring, reforming, or reconstituting the campus;
- (2) a detailed description of the academic programs to be offered at the campus, including:
 - (A) instructional methods;
 - (B) length of school day and school year;
 - (C) academic credit and promotion criteria; and
 - (D) programs to serve special student populations;
- (3) if a district charter is to be granted for the campus under Section 12.0522:
 - (A) the term of the charter; and
 - (B) information on the implementation of the charter;
- (4) written comments from:
 - (A) the campus-level committee established under Section 11.251, if applicable;
 - (B) parents; and
 - (C) teachers at the campus; and
- (5) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the school district or other identified sources. (Ed. Code, Secs. 39.107(b) (part), (b-1).)

Sec. 39A.106. DATE CAMPUS TURNAROUND PLAN TAKES EFFECT. A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating. (Ed. Code, Sec. 39.107(b-4).)

Sec. 39A.107. COMMISSIONER APPROVAL OF CAMPUS TURNAROUND PLAN. (a) The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Section 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan.

(b) Section 12.0522(b) does not apply to a district charter approved by the commissioner under this subchapter. A district charter approved under this subchapter may be renewed or continue in effect after the campus is no longer subject to an order under Section 39A.101.

(c) If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

- (1) appointment of a board of managers to govern the school district as provided by Section 39A.202;
- (2) alternative management of the campus; or
- (3) closure of the campus. (Ed. Code, Secs. 39.107(b-8), (d).)

Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Following approval of a campus turnaround plan by the commissioner, the school district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. (Ed. Code, Sec. 39.107(b-5).)

Sec. 39A.109. ASSISTANCE AND PARTNERSHIPS ALLOWED. A school district may:

(1) request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or

(2) partner with an institution of higher education to develop and implement a campus turnaround plan. (Ed. Code, Sec. 39.107(b-2).)

Sec. 39A.110. CHANGE IN CAMPUS PERFORMANCE RATING. (a) If a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating for the school year following the order, the board of trustees of the school district may:

(1) implement the campus turnaround plan;

(2) implement a modified version of the campus turnaround plan; or

(3) withdraw the campus turnaround plan.

(b) A school district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan. (Ed. Code, Secs. 39.107(b-6), (b-7).)

Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING. If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan under Section 39A.101, the commissioner, subject to Section 39A.112, shall order:

(1) appointment of a board of managers to govern the school district as provided by Section 39A.202; or

(2) closure of the campus. (Ed. Code, Sec. 39.107(e).)

Sec. 39A.112. PARENT PETITION FOR ACTION. (a) For purposes of this section, "parent" has the meaning assigned by Section 12.051, and the signature of only one parent of a student is required.

(b) If the commissioner is presented, in the time and manner specified by commissioner rule, with a written petition signed by the parents of a majority of the students enrolled at a campus to which Section 39A.111 applies, specifying an action authorized under that section that the parents request the commissioner to order, the commissioner shall, except as otherwise authorized by this section, order the specific action requested.

(c) If the board of trustees of the school district in which the campus is located presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific action authorized under Section 39A.111 other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees. (Ed. Code, Secs. 39.107(e-2), (e-3).)

Sec. 39A.113. REPURPOSING OF CLOSED CAMPUS. (a) If the commissioner orders the closure of a campus under this subchapter, that campus may be repurposed to serve students at that campus location only if the commissioner:

(1) finds that the repurposed campus:

(A) offers a distinctly different academic program; and

(B) serves a majority of grade levels not served at the original campus; and

(2) approves a new campus identification number for the repurposed campus.

(b) The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year.

(c) Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the school district that serves that student's grade level and on request must be provided transportation to the other campus.

(d) The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the school district at which the students may enroll. (Ed. Code, Sec. 39.107(e-1).)

Sec. 39A.114. TARGETED TECHNICAL ASSISTANCE AUTHORIZED IN CERTAIN

CIRCUMSTANCES. If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the school district to contract for the appropriate technical assistance. (Ed. Code, Sec. 39.107(i).)

Sec. 39A.115. RULES. The commissioner may adopt rules necessary to implement this subchapter. (Ed. Code, Sec. 39.107(q).)

SUBCHAPTER D. ALTERNATIVE MANAGEMENT

Sec. 39A.151. SOLICITATION OF PROPOSALS FOR ALTERNATIVE MANAGEMENT. (a) If the commissioner orders alternative management of a campus under Section 39A.107, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided by Subsection (b). The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

(b) The commissioner may appoint a school district to assume management of the campus if the district:

(1) is not the district in which the campus is located; and

(2) is located within the boundaries of the same regional education service center as the campus.

(c) If a school district is appointed under Subsection (b), the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

(d) The commissioner may annually solicit proposals under this section for the alternative management of a campus. The commissioner shall notify a qualified entity that has been approved as a provider under this section. (Ed. Code, Secs. 39.107(h), (j) (part).)

Sec. 39A.152. QUALIFICATIONS OF MANAGING ENTITY. (a) To qualify for consideration as a managing entity under this subchapter, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals who have:

(1) documented success in whole school interventions that increased the educational and performance levels of students in campuses considered to have an unacceptable performance rating;

(2) a proven record of effectiveness with programs assisting low-performing students;

(3) a proven ability to apply research-based school intervention strategies;

(4) a proven record of financial ability to perform under the management contract; and

(5) any other experience or qualifications the commissioner determines necessary.

(b) In selecting a managing entity under this subchapter, the commissioner shall give preference to a qualified entity that:

(1) meets any qualifications under this section; and

(2) has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity. (Ed. Code, Secs. 39.107(k), (l).)

Sec. 39A.153. CONTRACT WITH MANAGING ENTITY. (a) If the commissioner has ordered alternative management of a campus, the school district shall execute a contract with an approved provider to serve as a managing entity for the campus. The term of the contract may not exceed five years with an option to renew the contract. The district must execute the contract and relinquish control of the campus before January 1 of the school year.

(b) The management contract must include:

(1) a provision describing the school district's responsibilities in supporting the operation of the campus; and

(2) provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

(c) Performance measures included in a management contract as required by Subsection (b) must be consistent with the priorities of Chapter 39 and this chapter.

(d) The management contract must be approved by the commissioner before the contract is executed. As appropriate, the commissioner may require the school district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the contract. (Ed. Code, Secs. 39.107(g-1) (part), (j) (part), (m), (n) (part).)

Sec. 39A.154. EXTENSION OF MANAGEMENT CONTRACT. The commissioner may require a school district to extend the term of a management contract with a managing entity if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. (Ed. Code, Sec. 39.107(g-1) (part).)

Sec. 39A.155. EVALUATION OF MANAGING ENTITY. (a) The commissioner shall evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract.

(b) If the evaluation fails to demonstrate improvement as negotiated under the management contract by the first anniversary of the date of the contract, the school district may:

(1) terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and

(2) select another provider from an approved list provided by the commissioner.

(c) If the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, the school district shall:

(1) terminate the contract; and

(2) select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

(d) If the commissioner approves the school district's resumed operation of the campus as provided by Subsection (c), the commissioner shall assign a technical assistance team to assist the campus. (Ed. Code, Sec. 39.107(n) (part).)

Sec. 39A.156. CANCELLATION OF MANAGEMENT CONTRACT. If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. (Ed. Code, Sec. 39.107(g-1) (part).)

Sec. 39A.157. RETURN OF MANAGEMENT TO SCHOOL DISTRICT. Subject to Section 39A.111, at the end of a management contract term or on the cancellation of a management contract under Section 39A.156, the board of trustees of the school district shall resume management of the campus. (Ed. Code, Sec. 39.107(g-2).)

Sec. 39A.158. CONTINUED APPLICABILITY OF ACCOUNTABILITY PROVISIONS. Each campus operated by a managing entity under this subchapter is subject to this chapter and Chapter 39 in the same manner as any other campus in the school district. (Ed. Code, Sec. 39.107(p).)

Sec. 39A.159. FUNDING OF CAMPUS OPERATED BY MANAGING ENTITY. Notwithstanding any other provision of this code, the funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the school district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. (Ed. Code, Sec. 39.107(o).)

Sec. 39A.160. OPEN MEETINGS AND PUBLIC INFORMATION. With respect to the management of a campus by a managing entity:

(1) a managing entity is considered to be a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) any requirement in Chapter 551 or 552, Government Code, that applies to a school district or the board of trustees of a district applies to a managing entity. (Ed. Code, Sec. 39.107(r).)

Sec. 39A.161. RULES. The commissioner may adopt rules necessary to implement this subchapter. (Ed. Code, Sec. 39.107(q).)

SUBCHAPTER E. BOARD OF MANAGERS

Sec. 39A.201. GENERAL POWERS AND DUTIES OF BOARD OF MANAGERS.

(a) A board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

(b) A board of managers appointed by the commissioner under Subchapter C is required to take appropriate actions to resolve the conditions that caused a campus to be subject to an order under Section 39A.101, including amending the school district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection. (Ed. Code, Secs. 39.107(e-4), (q), 39.112(a) (part).)

Sec. 39A.202. BOARD OF MANAGERS OF SCHOOL DISTRICT. (a) If the commissioner appoints a board of managers to govern a school district:

(1) the powers of the board of trustees of the district are suspended for the period of the appointment; and

(2) the commissioner shall appoint a district superintendent.

(b) Notwithstanding any other provision of this code, a board of managers appointed to govern a school district may amend the budget of the district.

(c) This chapter applies to a school district governed by a board of managers in the same manner that this chapter applies to any other district. (Ed. Code, Secs. 39.112(a) (part), (b).)

Sec. 39A.203. BOARD OF MANAGERS OF CAMPUS. (a) If the commissioner appoints a board of managers to govern a campus:

(1) the powers of the board of trustees of the school district in relation to the campus are suspended for the period of the appointment; and

(2) the commissioner shall appoint a campus principal.

(b) Notwithstanding any other provision of this code, a board of managers appointed to govern a campus may submit to the commissioner for approval amendments to the budget of the school district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the district shall adopt the amendments. (Ed. Code, Sec. 39.112(c).)

Sec. 39A.204. COMPOSITION OF BOARD OF MANAGERS. A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. (Ed. Code, Sec. 39.112(d-1).)

Sec. 39A.205. TRAINING OF BOARD OF MANAGERS. The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. (Ed. Code, Sec. 39.112(d-2).)

Sec. 39A.206. COMPENSATION. (a) The commissioner may authorize payment of a board of managers appointed under Subchapter C from agency funds. The commissioner may adopt rules necessary to implement this subsection.

(b) A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. (Ed.

Code, Secs. 39.107(e–5), (q), 39.112(d).)

Sec. 39A.207. **REPLACEMENT OF MEMBER OF BOARD OF MANAGERS.** The commissioner may at any time replace a member of a board of managers appointed under Subchapter C. The commissioner may adopt rules necessary to implement this section. (Ed. Code, Secs. 39.107(e–6), (q).)

Sec. 39A.208. **EXPIRATION OF APPOINTMENT.** (a) A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with applicable provisions of law. Except as provided by Subsection (b), the members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

(b) Except as otherwise provided by Subsection (c), not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees of the district who were elected at an election ordered under Subsection (a) that constitutes, as closely as possible, one-third of the membership of the board of trustees.

(c) If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

(d) On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

(e) Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees of the district. (Ed. Code, Secs. 39.112(e), as amended Acts 84th Leg., R.S., Chs. 1046, 1104, (f), (g).)

Sec. 39A.209. **REMOVAL OF BOARD OF MANAGERS.** (a) Notwithstanding Section 39A.208, the commissioner may remove a board of managers appointed to govern a school district under Subchapter C only if the campus that was the basis for the appointment of the board of managers receives an acceptable performance rating for two consecutive school years.

(b) If a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the school district.

(c) Following the removal of a board of managers under Subsection (a) or (b), or at the request of a managing entity appointed under Section 39A.107 to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the school district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan.

(d) The commissioner may adopt rules necessary to implement this section. (Ed. Code, Secs. 39.107(f), (g), (q).)

SUBCHAPTER F. INTERVENTIONS AND SANCTIONS FOR OPEN-ENROLLMENT CHARTER SCHOOLS

Sec. 39A.251. **APPLICABILITY OF INTERVENTIONS AND SANCTIONS TO OPEN-ENROLLMENT CHARTER SCHOOL.** Interventions and sanctions authorized under this chapter for a school district or campus apply in the same manner to an open-enrollment charter school. (Ed. Code, Sec. 39.104(a).)

Sec. 39A.252. RULES. (a) The commissioner shall adopt rules to implement procedures to impose intervention or sanction provisions under this chapter as those provisions relate to an open-enrollment charter school.

(b) In adopting rules under this section, the commissioner shall require that the charter of an open-enrollment charter school be automatically:

- (1) revoked if the charter school is ordered closed under this chapter; or
- (2) modified to remove authorization for an individual campus if the campus is ordered closed under this chapter. (Ed. Code, Secs. 39.104(b), (c).)

Sec. 39A.253. HEARING NOT REQUIRED. If interventions or sanctions are imposed on an open-enrollment charter school under the procedures provided by this chapter, the school is not entitled to an additional hearing relating to the modification, placement on probation, revocation, or denial of renewal of a charter as provided by Subchapter D, Chapter 12. (Ed. Code, Sec. 39.104(d).)

Sec. 39A.254. CAMPUS IMPROVEMENT PLAN FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) This section applies to an open-enrollment charter school campus that satisfies performance standards under Section 39.054(e) for the current school year but would not satisfy performance standards under Section 39.054(e) if the standards to be used for the following school year were applied to the current school year.

(b) If this section applies to a campus, the campus shall:

- (1) establish a campus-level planning and decision-making committee as provided by Sections 11.251(b)–(e), to the extent practicable; and
- (2) develop a campus improvement plan as provided by Section 11.253.

(c) On the request of the commissioner, the campus shall submit to the commissioner the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. The portions of the improvement plan must be submitted in an electronic format. (Ed. Code, Secs. 39.105(a) (part), (b).)

Sec. 39A.255. CAMPUS TURNAROUND PLAN FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) The commissioner shall adopt rules governing the procedures for an open-enrollment charter school campus that is subject to an order issued under Section 39A.101. The commissioner may adopt other rules necessary to implement this section.

(b) The campus turnaround plan of an open-enrollment charter school must include a revision of the school's charter in accordance with Section 12.114.

(c) Nothing in this section or the following provisions of this chapter may be construed to modify any provision of Subchapter D, Chapter 12, relating to the expiration, nonrenewal, revocation, or modification of the governance of an open-enrollment charter school:

- (1) Subchapter C;
- (2) Subchapter D;
- (3) Section 39A.201(b);
- (4) Section 39A.206(a);
- (5) Section 39A.207; and
- (6) Section 39A.209.

(d) The governing board of the open-enrollment charter school shall perform the duties of a board of trustees of a school district under this chapter. (Ed. Code, Secs. 39.107(b–9), (q).)

Sec. 39A.256. APPOINTMENT OF BOARD OF MANAGERS FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) A board of managers appointed for an open-enrollment charter school or a campus of an open-enrollment charter school under this chapter or Chapter 12 has the powers and duties prescribed by Section 39A.201(b), if applicable, and Sections 39A.201(a), 39A.202, 39A.203, and 39A.206(b).

(b) Except as otherwise provided by this subsection, the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner. (Ed. Code, Secs. 39.1121(a), (c).)

Sec. 39A.257. SUPERINTENDENT FOR OPEN-ENROLLMENT CHARTER SCHOOL. If the commissioner appoints a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school, the commissioner may also appoint a superintendent. (Ed. Code, Sec. 39.1121(b).)

Sec. 39A.258. REMOVAL BY COMMISSIONER. Any person appointed to serve on the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent serves at the discretion of the commissioner and may be replaced by the commissioner at any time. (Ed. Code, Sec. 39.1121(e).)

Sec. 39A.259. COMPENSATION OF BOARD OF MANAGERS AND SUPERINTENDENT. (a) The commissioner may authorize compensation for a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent appointed by the commissioner.

(b) The commissioner shall establish the terms of compensation provided under Subsection (a).

(c) The commissioner shall use funds received by or due to the former charter holder under Section 12.106 or funds returned to the state from liquidation of state property held by a former charter holder for compensation of a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent.

(d) If funds described by Subsection (c) are not available or the commissioner determines that the circumstances require, the commissioner may use available agency funds, provided that the use of the available funds for that purpose is not prohibited by other law.

(e) To the extent this section conflicts with Section 39A.206(a), this section prevails. (Ed. Code, Sec. 39.1122.)

Sec. 39A.260. IMMUNITY; REPRESENTATION BY ATTORNEY GENERAL. Any person appointed by the commissioner to serve on the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent acts on behalf of the commissioner and is entitled to:

- (1) sovereign immunity; and
- (2) representation by the attorney general for any act or omission taken while acting in the person's official capacity. (Ed. Code, Sec. 39.1121(d).)

SUBCHAPTER G. CHALLENGE OF INTERVENTION OR SANCTION

Sec. 39A.301. REVIEW OF SANCTIONS BY STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) A school district or open-enrollment charter school that intends to challenge a decision by the commissioner under this chapter to close the district or a district campus or the charter school or to pursue alternative management of a district campus or the charter school must appeal the decision under this section.

(b) A challenge to a decision under this section is under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code. The commissioner shall adopt procedural rules for a challenge under this section.

(c) Notwithstanding other law:

- (1) the State Office of Administrative Hearings shall conduct an expedited review of a challenge under this section;
- (2) the administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;

(3) the decision of the administrative law judge is final and may not be appealed; and

(4) the decision of the administrative law judge may set an effective date for an action under this section. (Ed. Code, Sec. 39.152.)

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 39A.901. **ANNUAL REVIEW.** (a) The commissioner shall annually review the performance of a school district or campus subject to this chapter to determine the appropriate actions to be implemented under this chapter.

(b) The commissioner must review at least annually the performance of a school district for which the accreditation status or performance rating has been lowered due to insufficient student performance and may not raise the accreditation status or performance rating until the district has demonstrated improved student performance.

(c) If the review conducted under this section reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status. (Ed. Code, Sec. 39.108.)

Sec. 39A.902. **ACQUISITION OF PROFESSIONAL SERVICES.** In addition to other interventions and sanctions authorized under this chapter, the commissioner may order a school district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

(1) select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or

(2) provide for or participate in the appropriate training of district staff or board of trustees members in the case of a district, or campus staff, in the case of a campus. (Ed. Code, Sec. 39.109.)

Sec. 39A.903. **COSTS PAID BY SCHOOL DISTRICT.** The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider under this chapter shall be paid by the school district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

(1) pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or

(2) recover the amount of the costs in the manner provided for recovery of an overallocation of state funds under Section 42.258. (Ed. Code, Sec. 39.110.)

Sec. 39A.904. **IMMUNITY FROM CIVIL LIABILITY.** An employee, volunteer, or contractor acting on behalf of the commissioner under this chapter, or a member of a board of managers appointed by the commissioner under this chapter, is immune from civil liability to the same extent as a professional employee of a school district under Section 22.051. (Ed. Code, Sec. 39.114.)

Sec. 39A.905. **CAMPUS NAME CHANGE PROHIBITED.** In reconstituting, repurposing, or imposing any other intervention or sanction on a campus under this chapter, the commissioner may not require that the name of the campus be changed. (Ed. Code, Sec. 39.115.)

Sec. 39A.906. **TRANSITIONAL INTERVENTIONS AND SANCTIONS.** (a) For a campus that received an unacceptable performance rating for the 2013–2014, 2014–2015, and 2015–2016 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus.

(b) If a campus described by Subsection (a) receives an unacceptable performance rating for the 2016–2017 and 2017–2018 school years, the commissioner shall apply the interventions and sanctions authorized by Section 39A.111 to the campus.

(c) For a campus that received an acceptable performance rating for the 2013–2014 school year and an unacceptable performance rating for the 2014–2015 and 2015–2016 school years, the commissioner shall apply the interventions and sanctions authorized by Section 39A.101(a) to the campus.

(d) If a campus described by Subsection (c) receives an unacceptable performance rating for the 2016–2017, 2017–2018, and 2018–2019 school years, the commissioner shall apply the interventions and sanctions authorized by Section 39A.111 to the campus.

(e) The commissioner may adopt rules as necessary to implement this section.

(f) This section expires September 1, 2020. (Ed. Code, Sec. 39.1071.)

Sec. 39A.907. SPECIAL STUDENT RECOVERY PROGRAM. (a) This section applies only to a school district with a student enrollment of at least 60,000 that is located in a county on the international border with a population of 800,000 or more.

(b) The commissioner may require a school district to which this section applies to operate a special student recovery program if the commissioner has imposed a sanction under Subchapter A based on a determination that the district has, for the purpose of affecting the performance rating under Section 39.054 or former Section 39.072 or a distinction designation under Section 39.202 or 39.203 of the district or a campus in the district:

(1) assigned a student to a grade level to which the student would not otherwise be assigned, in violation of local policy;

(2) retained a student at a grade level at which the student would not otherwise be retained, in violation of local policy;

(3) declined to admit to the schools of the district a student with limited English proficiency who was eligible for admission; or

(4) encouraged a student who was eligible for admission to the district to enroll in another district or drop out of school.

(c) The commissioner shall require a school district to which this section applies to operate a special student recovery program if the superintendent or assistant superintendent of the district or a principal or assistant principal of a campus in the district is convicted of or receives a grant of deferred adjudication community supervision for an offense associated with conduct described by Subsection (b).

(d) A special student recovery program must include:

(1) identification of students affected by conduct described by Subsection (b), with an emphasis on identifying and obtaining current addresses for students who dropped out of school after the conduct;

(2) notification of students identified under Subdivision (1) of the availability of educational services provided through the program;

(3) provision of appropriate compensatory, intensive, and accelerated instructional services for students identified under Subdivision (1), including services designed to enable students to obtain high school equivalency certificates under Section 7.111; and

(4) for students identified under Subdivision (1) who are at least 21 years of age and under 26 years of age, the offer of admission to the schools of the school district for the purpose of completing the requirements for a high school diploma, as authorized by Section 25.001.

(e) A student who is at least 21 years of age and is admitted to the schools of the school district under Subsection (d)(4) is subject to the placement restrictions described by Section 25.001(b–2) if the student has not attended school in the three preceding school years.

(f) In addition to any other available funds, a school district may use funds provided to the district under Section 42.152 to pay the costs of the program. Instructional services may be provided to students identified under Subsection (d)(1) who are under 26 years of age using funds provided under Section 42.152 or other Foundation School Program funds, notwithstanding Section 42.003.

(g) This section requires a school district to provide instructional services only to a student who is a resident of this state and is eligible for admission to the schools of the district under Section 25.001, including eligibility described by that section for students who are under 26 years of age.

(h) The commissioner shall determine the duration of a special student recovery program, provided that the program must have a duration of at least two years. Before a program may be concluded, the school district must conduct a public hearing in the community served by the district to solicit comments from students, parents, and other members of the community regarding whether there is a continuing need for the program.

(i) The commissioner shall adopt rules necessary to implement this section.

(j) This section expires September 1, 2018. (Ed. Code, Sec. 39.117.)

SECTION 21.002. The following provisions are repealed:

(1) Subchapter E, Chapter 39, Education Code; and

(2) Section 39.152, Education Code.

SECTION 21.003. The following changes are made to conform the provisions amended to the nonsubstantive revision set out in Section 21.001 of this Act:

(1) Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 29.001(5), 29.010(a), or 39.057, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements; and
- (3) data integrity for purposes of:
 - (A) the Public Education Information Management System (PEIMS); and
 - (B) accountability under *Chapters [Chapter] 39 and 39A*.

(2) Section 7.055(b)(32), Education Code, is amended to read as follows:

(32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by *Chapters [Chapter] 39 and 39A*.

(3) Sections 7.056(e) and (f), Education Code, are amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or
- (3) a requirement, restriction, or prohibition relating to:
 - (A) essential knowledge or skills under Section 28.002 or high school graduation requirements under Section 28.025;
 - (B) public school accountability as provided by Subchapters B, C, D, ~~[E]~~ and J, Chapter 39, and Chapter 39A;
 - (C) extracurricular activities under Section 33.081 or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812;
 - (D) health and safety under Chapter 38;
 - (E) purchasing under Subchapter B, Chapter 44;
 - (F) elementary school class size limits, except as provided by Section 25.112;

(G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;

(H) at-risk programs under Subchapter C, Chapter 29;

(I) prekindergarten programs under Subchapter E, Chapter 29;

(J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22;

(K) special education programs under Subchapter A, Chapter 29;

(L) bilingual education programs under Subchapter B, Chapter 29; or

(M) the requirements for the first day of instruction under Section 25.0811.

(f) A school district or campus that is required to develop and implement a student achievement improvement plan under *Subchapter A, Chapter 39A, or Section 39A.051* [~~Section 39.102 or 39.103~~] may receive an exemption or waiver under this section from any law or rule other than:

(1) a prohibition on conduct that constitutes a criminal offense;

(2) a requirement imposed by federal law or rule;

(3) a requirement, restriction, or prohibition imposed by state law or rule relating to:

(A) public school accountability as provided by Subchapters B, C, D, ~~[E,]~~ and J, Chapter 39, *and Chapter 39A*; or

(B) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22; or

(4) selection of instructional materials under Chapter 31.

(4) Section 7.102(c)(29), Education Code, is amended to read as follows:

(29) The board shall perform duties in connection with the public school accountability system as prescribed by *Chapters* [~~Chapter~~] 39 *and 39A*.

(5) Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard under Section 39.054(e);

(H) high school graduation under Section 28.025;

(I) special education programs under Subchapter A, Chapter 29;

(J) bilingual education under Subchapter B, Chapter 29;

(K) prekindergarten programs under Subchapter E, Chapter 29;

(L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(M) computation and distribution of state aid under Chapters 31, 42, and 43;

(N) extracurricular activities under Section 33.081;

(O) health and safety under Chapter 38;

(P) public school accountability under Subchapters B, C, D, ~~[E]~~ and J, Chapter 39, and Chapter 39A;

(Q) equalized wealth under Chapter 41;

(R) a bond or other obligation or tax rate under Chapters 42, 43, and 45; and

(S) purchasing under Chapter 44.

(6) Section 12.016, Education Code, is amended to read as follows:

Sec. 12.016. CONTENT. Each home-rule school district charter must:

(1) describe the educational program to be offered;

(2) provide that continuation of the home-rule school district charter is contingent on:

(A) acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39; and

(B) compliance with other applicable accountability provisions under *Chapters* ~~[Chapter]~~ 39 and 39A;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) describe the governing structure of the district and campuses;

(5) specify any procedure or requirement, in addition to those under Chapter 38, that the district will follow to ensure the health and safety of students and employees;

(6) describe the process by which the district will adopt an annual budget, including a description of the use of program-weight funds;

(7) describe the manner in which an annual audit of financial and programmatic operations of the district is to be conducted, including the manner in which the district will provide information necessary for the district to participate in the Public Education Information Management System (PEIMS) to the extent required by this subchapter; and

(8) include any other provision the charter commission considers necessary.

(7) Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) prekindergarten programs under Subchapter E, Chapter 29;

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38; and

(I) public school accountability under Subchapters B, C, D, ~~[E]~~ F, and J, Chapter 39, and Chapter 39A.

(8) Section 12.059, Education Code, is amended to read as follows:

Sec. 12.059. CONTENT. Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, satisfactory financial performance under Subchapter D, Chapter 39, and compliance with other applicable accountability provisions under *Chapters* ~~[Chapter]~~ 39 and 39A;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be revoked;

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the campus or program;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and

(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by commissioner rule, in the Public Education Information Management System (PEIMS).

(9) Section 12.102, Education Code, is amended to read as follows:

Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment charter school:

(1) shall provide instruction to students at one or more elementary or secondary grade levels as provided by the charter;

(2) is governed under the governing structure described by the charter;

(3) retains authority to operate under the charter to the extent authorized under Sections 12.1141 and 12.115 and Chapter 39A ~~[Subchapter E, Chapter 39]~~; and

(4) does not have authority to impose taxes.

(10) Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29;

- (I) extracurricular activities under Section 33.081;
 - (J) discipline management practices or behavior management techniques under Section 37.0021;
 - (K) health and safety under Chapter 38;
 - (L) public school accountability under Subchapters B, C, D, ~~[E]~~ F, G, and J, Chapter 39, *and Chapter 39A*;
 - (M) the requirement under Section 21.006 to report an educator's misconduct;
 - (N) intensive programs of instruction under Section 28.0213; and
 - (O) the right of a school employee to report a crime, as provided by Section 37.148.
- (11) Section 12.111(a), Education Code, is amended to read as follows:
- (a) Each charter granted under this subchapter must:
- (1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;
 - (2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under *Chapter 39A* ~~[Subchapter E, Chapter 39]~~;
 - (3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;
 - (4) specify:
 - (A) any basis, in addition to a basis specified by this subchapter or *Chapter 39A* ~~[Subchapter E, Chapter 39]~~, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and
 - (B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial of renewal, expiration, revocation, or other intervention in accordance with Section 12.1141 or 12.115 or *Chapter 39A* ~~[Subchapter E, Chapter 39]~~, as applicable;
 - (5) prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:
 - (A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37; and
 - (B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;
 - (6) specify the grade levels to be offered;
 - (7) describe the governing structure of the program, including:
 - (A) the officer positions designated;
 - (B) the manner in which officers are selected and removed from office;
 - (C) the manner in which members of the governing body of the school are selected and removed from office;
 - (D) the manner in which vacancies on that governing body are filled;
 - (E) the term for which members of that governing body serve; and
 - (F) whether the terms are to be staggered;
 - (8) specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;
 - (9) specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any

professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;

(10) describe the process by which the person providing the program will adopt an annual budget;

(11) describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by commissioner rule, in the Public Education Information Management System (PEIMS);

(12) describe the facilities to be used;

(13) describe the geographical area served by the program;

(14) specify any type of enrollment criteria to be used;

(15) provide information, as determined by the commissioner, relating to any management company that will provide management services to a school operating under the charter; and

(16) specify that the governing body of an open-enrollment charter school accepts and may not delegate ultimate responsibility for the school, including the school's academic performance and financial and operational viability, and is responsible for overseeing any management company providing management services for the school and for holding the management company accountable for the school's performance.

(12) Section 12.1141(a), Education Code, is amended to read as follows:

(a) The commissioner shall develop and by rule adopt a procedure for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school at the end of the term of the charter. The procedure must include consideration of the performance under *Chapters [Chapter] 39 and 39A* of the charter holder and each campus operating under the charter and must include three distinct processes, which must be expedited renewal, discretionary consideration of renewal or denial of renewal, and expiration. To renew a charter at the end of the term, the charter holder must submit a petition for renewal to the commissioner in the time and manner established by commissioner rule.

(13) Section 12.1162(a), Education Code, is amended to read as follows:

(a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005, or 39A.007 [~~39.102(a)~~], to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.058(b):

(1) commits a material violation of the school's charter;

(2) fails to satisfy generally accepted accounting standards of fiscal management; or

(3) fails to comply with this subchapter or another applicable rule or law.

(14) Section 12A.004(a), Education Code, is amended to read as follows:

(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3) state curriculum and graduation requirements adopted under Chapter 28; and

(4) academic and financial accountability and sanctions under *Chapters [Chapter] 39 and 39A*.

(15) Section 18.006(a), Education Code, is amended to read as follows:

(a) The commissioner shall develop and implement a system of accountability consis-

tent with *Chapters* ~~[Chapter]~~ 39 and 39A, where appropriate, to be used in assigning an annual performance rating to Job Corps diploma programs comparable to the ratings assigned to school districts under Section 39.054. The commissioner may develop and implement a system of distinction designations consistent with Subchapter G, Chapter 39, where appropriate, to be used in assigning distinction designations to Job Corps diploma programs comparable to the distinction designations assigned to campuses under Subchapter G, Chapter 39.

(16) Sections 28.006(e) and (j), Education Code, are amended to read as follows:

(e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under *Chapters* ~~[Chapter]~~ 39 and 39A.

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(5) and may implement interventions or sanctions under *Chapter 39A* ~~[Subchapter E, Chapter 39]~~. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(17) Section 28.007(b), Education Code, is amended to read as follows:

(b) The results of assessment instruments developed under Subsection (a) may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under *Chapters* ~~[Chapter]~~ 39 and 39A.

(18) Section 29.918(c), Education Code, is amended to read as follows:

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose interventions or sanctions under *Subchapter A, Chapter 39A, or Section 39A.251, 39A.252, or 39A.253* ~~[39.102 or 39.104]~~ if a school district or open-enrollment charter school fails to timely comply with this section.

(19) Section 37.008(c), Education Code, is amended to read as follows:

(c) An off-campus disciplinary alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39 or 39A.

(20) Sections 37.011(g) and (h), Education Code, are amended to read as follows:

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Justice Department for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39 or 39A.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under *Chapters* ~~[Chapter]~~ 39 and 39A, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Justice Department, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with *Chapters* ~~[Chapter]~~ 39 and 39A, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The department shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31 if the juvenile justice alternative education program receives funding from the department under this subchapter.

(21) Sections 39.057(d) and (e), Education Code, are amended to read as follows:

(d) Based on the results of a special accreditation investigation, the commissioner may:

- (1) take appropriate action under *Chapter 39A* [~~Subchapter E~~];
- (2) lower the school district's accreditation status or a district's or campus's accountability rating; or
- (3) take action under both Subdivisions (1) and (2).

(e) Regardless of whether the commissioner lowers the school district's accreditation status or a district's or campus's performance rating under Subsection (d), the commissioner may take action under *Section 39A.002 or 39A.051* [~~Sections 39.102(a)(1) through (8) or Section 39.103~~] if the commissioner determines that the action is necessary to improve any area of a district's or campus's performance, including the district's financial accounting practices.

(22) Section 39.0823(d), Education Code, is amended to read as follows:

(d) The agency may require a district or open-enrollment charter school to submit additional information needed to produce a financial report under Subsection (a). If a district or school fails to provide information requested under this subsection or if the commissioner determines that the information submitted by a district or school is unreliable, the commissioner may order the district or school to acquire professional services as provided by *Section 39A.902* [~~39.109~~].

(23) Section 39.0824(b), Education Code, is amended to read as follows:

(b) The commissioner may impose appropriate sanctions under *Chapter 39A* [~~Subchapter E~~] against a district or school failing to submit or implement a corrective action plan required under Subsection (a).

(24) The heading to Subchapter F, Chapter 39, Education Code, is amended to read as follows:

SUBCHAPTER F. PROCEDURES FOR CHALLENGE OF ACCOUNTABILITY
DETERMINATION[~~, INTERVENTION, OR SANCTION~~]

(25) Section 39.232(b), Education Code, is amended to read as follows:

(b) A school campus or district is not exempt under this section from:

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) requirements imposed by federal law or rule, including requirements for special education or bilingual education programs; or
- (3) a requirement, restriction, or prohibition relating to:
 - (A) curriculum essential knowledge and skills under Section 28.002 or high school graduation requirements under Section 28.025;
 - (B) public school accountability as provided by Subchapters B, C, D, [~~E~~] and J and *Chapter 39A*;
 - (C) extracurricular activities under Section 33.081;
 - (D) health and safety under Chapter 38;
 - (E) purchasing under Subchapter B, Chapter 44;
 - (F) elementary school class size limits, except as provided by Subsection (d) or Section 25.112;
 - (G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;
 - (H) at risk programs under Subchapter C, Chapter 29;
 - (I) prekindergarten programs under Subchapter E, Chapter 29;
 - (J) rights and benefits of school employees;

(K) special education programs under Subchapter A, Chapter 29; or

(L) bilingual education programs under Subchapter B, Chapter 29.

(26) Section 39.306(a), Education Code, is amended to read as follows:

(a) Each board of trustees shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner. The annual report must also include:

(1) campus performance objectives established under Section 11.253 and the progress of each campus toward those objectives, which shall be available to the public;

(2) information indicating the district's accreditation status and identifying each district campus awarded a distinction designation under Subchapter G or considered an unacceptable campus under *Chapter 39A* [~~Subchapter E~~];

(3) the district's current special education compliance status with the agency;

(4) a statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g);

(5) information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;

(6) the findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.); and

(7) information received under Section 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner.

(27) Section 39.333, Education Code, is amended to read as follows:

Sec. 39.333. REGIONAL AND DISTRICT LEVEL REPORT. As part of the comprehensive biennial report under Section 39.332, the agency shall submit a regional and district level report covering the preceding two school years and containing:

(1) a summary of school district compliance with the student/teacher ratios and class-size limitations prescribed by Sections 25.111 and 25.112, including:

(A) the number of campuses and classes at each campus granted an exception from Section 25.112; and

(B) for each campus granted an exception from Section 25.112, a statement of whether the campus has been awarded a distinction designation under Subchapter G or has been identified as an unacceptable campus under *Chapter 39A* [~~Subchapter E~~];

(2) a summary of the exemptions and waivers granted to campuses and school districts under Section 7.056 or 39.232 and a review of the effectiveness of each campus or district following deregulation;

(3) an evaluation of the performance of the system of regional education service centers based on the indicators adopted under Section 8.101 and client satisfaction with services provided under Subchapter B, Chapter 8;

(4) an evaluation of accelerated instruction programs offered under Section 28.006, including an assessment of the quality of such programs and the performance of students enrolled in such programs; and

(5) the number of classes at each campus that are currently being taught by individuals who are not certified in the content areas of their respective classes.

(28) Section 39.361, Education Code, is amended to read as follows:

Sec. 39.361. NOTICE IN STUDENT GRADE REPORT. The first written notice of a student's performance that a school district gives during a school year as required by Section 28.022(a)(2) must include:

(1) a statement of whether the campus at which the student is enrolled has been

awarded a distinction designation under Subchapter G or has been identified as an unacceptable campus under *Chapter 39A* [~~Subchapter E~~]; and

(2) an explanation of the significance of the information provided under Subdivision (1).

(29) Section 44.0011, Education Code, is amended to read as follows:

Sec. 44.0011. FISCAL YEAR. The fiscal year of a school district begins on July 1 or September 1 of each year, as determined by the board of trustees of the district. The commissioner may adopt rules concerning the submission of information by a district under Chapter 39, 39A, or 42 based on the fiscal year of the district.

(30) Section 45.261(d), Education Code, is amended to read as follows:

(d) If a school district fails to comply with the commissioner's order under Subsection (c), the commissioner may impose any sanction on the district authorized to be imposed on a district under *Chapter 39A* [~~Subchapter E, Chapter 39~~], including appointment of a board of managers or annexation to another district, regardless of the district's accreditation status or the duration of a particular accreditation status.

(31) Section 51.751(b), Education Code, is amended to read as follows:

(b) The center shall examine the efficiency of the public school system and the effectiveness of instructional methods and curricular programs and promote the use of successful methods and programs. The center shall monitor and evaluate the implementation of the accountability system under *Chapters* [~~Chapter~~] 39 and 39A and provide annual progress reports to the governor, Legislative Budget Board, and commissioner of education.

(32) Section 302.006(c), Labor Code, is amended to read as follows:

(c) To be eligible to receive a scholarship awarded under this section, a person must:

(1) be employed in a child-care facility, as defined by Section 42.002, Human Resources Code;

(2) intend to obtain a credential, certificate, or degree specified in Subsection (b);

(3) agree to work for at least 18 additional months in a child-care facility, as defined by Section 42.002, Human Resources Code, that accepts federal Child Care and Development Fund subsidies and that, at the time the person begins to fulfill the work requirement imposed by this subdivision, is located:

(A) within the attendance zone of a public school campus considered low-performing under *Chapter 39A* [~~Subchapter E, Chapter 39~~], Education Code; or

(B) in an economically disadvantaged community, as determined by the commission; and

(4) satisfy any other requirements adopted by the commission.

ARTICLE 22. CHANGES RELATING TO THE ESTATES CODE AND CODIFICATION OF THE TEXAS PROBATE CODE

SECTION 22.001. Section 21.751(4), Business Organizations Code, is amended to read as follows:

(4) "Shareholder" means a record or beneficial owner of shares in a close corporation, including:

(A) a person holding a beneficial interest in the shares under an inter vivos, testamentary, or voting trust; or

(B) the personal representative, as defined by the *Estates* [~~Texas Probate~~] Code, of a record or beneficial owner.

SECTION 22.002. Section 64.034(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) A receiver appointed for a missing person under Section 64.001(d) who has on hand an amount of money belonging to the missing person in excess of the amount

needed for current necessities and expenses may, on order of the court, invest, lend, or contribute all or a part of the excess amount in the manner provided by *Chapter 1161, Estates* [Subpart L, Part 4, Chapter XIII, Texas Probate] Code, for investments, loans, or contributions by guardians. The receiver shall report to the court all transactions involving the excess amount in the manner that reports are required of guardians.

SECTION 22.003. Section 64.102(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) The court shall appoint an attorney ad litem to represent the interests of a missing person at a proceeding to appoint a receiver for the missing person under Section 64.001(d). To be eligible for appointment as an attorney ad litem under this subsection, a person must be certified in the same manner and to the same extent as a person who is appointed as an attorney ad litem for a proposed ward under Section 1054.001, *Estates* [646, Texas Probate] Code.

SECTION 22.004. Section 64.105(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) For official services rendered, the receiver is entitled to be compensated in the same manner and amount as is provided by *Title 3, Estates* [Chapter XIII, Texas Probate] Code, for similar services rendered by guardians of estates.

SECTION 22.005. Section 71.012, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 71.012. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. If the executor or administrator of the estate of a nonresident individual is the plaintiff in an action under this subchapter, the foreign personal representative of the estate who has complied with the requirements of Section 95, Texas Probate Code, for the probate of a foreign will is not required to apply for ancillary letters testamentary under Section 501.006, *Estates* [105, Texas Probate] Code, to bring and prosecute the action.

SECTION 22.006. Section 71.022, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 71.022. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. If the executor or administrator of the estate of a nonresident individual is the plaintiff in an action under this subchapter, the foreign personal representative of the estate who has complied with the requirements of Section 95, Texas Probate Code, for the probate of a foreign will is not required to apply for ancillary letters testamentary under Section 501.006, *Estates* [105, Texas Probate] Code, to bring and prosecute the action.

SECTION 22.007. Section 102.002(e), Civil Practice and Remedies Code, is amended to read as follows:

(e) A local government that does not give a bond under Section 1105.101(b), *Estates* [702(b), Texas Probate] Code, shall pay damages awarded against an employee of the local government arising from a cause of action described by Subsection (c) if the liability results from the employee's appointment as guardian of the person or estate of a ward under the *Estates* [Texas Probate] Code and the action or omission for which the employee was found liable was in the course and scope of the person's employment with the local government.

SECTION 22.008. Section 102.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 102.003. MAXIMUM PAYMENTS. Payments under this chapter by a local government may not exceed:

- (1) \$100,000 to any one person or \$300,000 for any single occurrence in the case of personal injury or death; or
- (2) \$10,000 for a single occurrence of property damage, unless the local government is liable in the local government's capacity as guardian under the *Estates* [Texas Probate] Code and does not give a bond under Section 1105.101(b), *Estates* [702(b), Texas Probate] Code, in which event payments may not exceed the amount of the actual property damages.

SECTION 22.009. Section 137.001(6), Civil Practice and Remedies Code, is amended to read as follows:

(6) "Incapacitated" means that, in the opinion of the court in a guardianship proceeding under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, or in a medication hearing under Section 574.106, Health and Safety Code, a person lacks the ability to understand the nature and consequences of a proposed treatment, including the benefits, risks, and alternatives to the proposed treatment, and lacks the ability to make mental health treatment decisions because of impairment.

SECTION 22.010. Section 137.009(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Mental health treatment instructions contained in a declaration executed in accordance with this chapter supersede any contrary or conflicting instructions given by:

(1) a medical [~~endurable~~] power of attorney under *Subchapter D, Chapter 166, Health and Safety Code* [~~185~~]; or

(2) a guardian appointed under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, after the execution of the declaration.

SECTION 22.011. Section 139.001(2), Civil Practice and Remedies Code, is amended to read as follows:

(2) "Incapacitated person" has the meaning assigned by Section 1002.017, *Estates* [~~601, Texas Probate~~] Code.

SECTION 22.012. Section 16.001(b), Election Code, is amended to read as follows:

(b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under *Chapter 205, Estates* [~~Section 137, Texas Probate~~] Code, that is filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

SECTION 22.013. Section 3.406(b), Family Code, is amended to read as follows:

(b) On the death of a spouse, a court may, on application for a claim for reimbursement brought by the surviving spouse, the personal representative of the estate of the deceased spouse, or any other person interested in the estate, as defined by *Chapter 22, Estates* [~~Section 2, Texas Probate~~] Code, impose an equitable lien on the property of a benefited marital estate to secure a claim for reimbursement against that property by a contributing marital estate.

SECTION 22.014. Section 5.002, Family Code, is amended to read as follows:

Sec. 5.002. SALE OF SEPARATE HOMESTEAD AFTER SPOUSE JUDICIALLY DECLARED INCAPACITATED. If the homestead is the separate property of a spouse and the other spouse has been judicially declared incapacitated by a court exercising original jurisdiction over guardianship and other matters under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, the owner may sell, convey, or encumber the homestead without the joinder of the other spouse.

SECTION 22.015. Section 5.003, Family Code, is amended to read as follows:

Sec. 5.003. SALE OF COMMUNITY HOMESTEAD AFTER SPOUSE JUDICIALLY DECLARED INCAPACITATED. If the homestead is the community property of the spouses and one spouse has been judicially declared incapacitated by a court exercising original jurisdiction over guardianship and other matters under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, the competent spouse may sell, convey, or encumber the homestead without the joinder of the other spouse.

SECTION 22.016. Section 6.111, Family Code, is amended to read as follows:

Sec. 6.111. DEATH OF PARTY TO VOIDABLE MARRIAGE. Except as provided by *Subchapter C, Chapter 123, Estates* [~~Section 47A, Texas Probate~~] Code, a marriage subject to annulment may not be challenged in a proceeding instituted after the death of either party to the marriage.

SECTION 22.017. Sections 34.008(a) and (c), Family Code, are amended to read as follows:

(a) Except as provided by Subsection (b), an authorization agreement under this chapter terminates if, after the execution of the authorization agreement, a court enters an order:

- (1) affecting the parent-child relationship;
- (2) concerning custody, possession, or placement of the child;
- (3) concerning access to or visitation with the child; or
- (4) regarding the appointment of a guardian for the child under *Subchapter B, Chapter 1104, Estates* [~~Section 676, Texas Probate~~] Code.

(c) An authorization agreement under this chapter terminates on written revocation by a party to the authorization agreement if the party:

- (1) gives each party written notice of the revocation;
- (2) files the written revocation with the clerk of the county in which:
 - (A) the child resides;
 - (B) the child resided at the time the authorization agreement was executed; or
 - (C) the relative resides; and
- (3) files the written revocation with the clerk of each court:
 - (A) that has continuing, exclusive jurisdiction over the child;
 - (B) in which there is a court order or pending suit affecting the parent-child relationship concerning the child;
 - (C) in which there is pending litigation concerning:
 - (i) custody, possession, or placement of the child; or
 - (ii) access to or visitation with the child; or
 - (D) that has entered an order regarding the appointment of a guardian for the child under *Subchapter B, Chapter 1104, Estates* [~~Section 676, Texas Probate~~] Code.

SECTION 22.018. Sections 154.013(b) and (c), Family Code, are amended to read as follows:

(b) Notwithstanding any provision of the *Estates* [~~Probate~~] Code, a child support payment held by the Title IV–D agency, a local registry, or the state disbursement unit or any uncashed check or warrant representing a child support payment made before, on, or after the date of death of the obligee shall be paid proportionately for the benefit of each surviving child named in the support order and not to the estate of the obligee. The payment is free of any creditor's claim against the deceased obligee's estate and may be disbursed as provided by Subsection (c).

(c) On the death of the obligee, current child support owed by the obligor for the benefit of the child or any amount described by Subsection (b) shall be paid to:

- (1) a person, other than a parent, who is appointed as managing conservator of the child;
- (2) a person, including the obligor, who has assumed actual care, control, and possession of the child, if a managing conservator or guardian of the child has not been appointed;
- (3) the county clerk, as provided by *Chapter 1355, Estates* [~~Section 887, Texas Probate~~] Code, in the name of and for the account of the child for whom the support is owed;
- (4) a guardian of the child appointed under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, as provided by that code; or
- (5) the surviving child, if the child is an adult or has otherwise had the disabilities of minority removed.

SECTION 22.019. Sections 154.015(a) and (e), Family Code, are amended to read as follows:

(a) In this section, "estate" has the meaning assigned by *Chapter 22, Estates* [~~Section 3, Texas Probate~~] Code.

(e) The obligee has a claim, on behalf of the child, against the deceased obligor's estate for the unpaid child support obligation determined under Subsection (c). The obligee may present the claim in the manner provided by the *Estates* [~~Texas Probate~~] Code.

SECTION 22.020. Sections 263.603(a) and (b), Family Code, are amended to read as follows:

(a) Notwithstanding Section 263.6021, if the court believes that a young adult may be incapacitated as defined by Section 1002.017(2), *Estates* [~~601(14)(B), Texas Probate~~] Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(b) The extended jurisdiction of the court under this section terminates on the earliest of the date:

(1) the Department of Aging and Disability Services determines a guardianship is not appropriate under Chapter 161, Human Resources Code;

(2) a court with probate jurisdiction denies the application to appoint a guardian; or

(3) a guardian is appointed and qualifies under the *Estates* [~~Texas Probate~~] Code.

SECTION 22.021. Sections 21.009(2) and (4), Government Code, are amended to read as follows:

(2) "Statutory county court" means a county court created by the legislature under Article V, Section 1, of the Texas Constitution, including county courts at law, county criminal courts, county criminal courts of appeals, and county civil courts at law, but does not include statutory probate courts as defined by *Chapter 22, Estates* [~~Section 3, Texas Probate~~] Code.

(4) "Statutory probate court" has the meaning assigned by *Chapter 22, Estates* [~~Section 3, Texas Probate~~] Code.

SECTION 22.022. Section 25.0003(f), Government Code, is amended to read as follows:

(f) A statutory county court does not have the jurisdiction of a statutory probate court granted statutory probate courts by the *Estates* [~~Texas Probate~~] Code.

SECTION 22.023. Section 25.0021(b), Government Code, is amended to read as follows:

(b) A statutory probate court as that term is defined in Section 22.007(c), *Estates* [~~3(ii), Texas Probate~~] Code, has:

(1) the general jurisdiction of a probate court as provided by the *Estates* [~~Texas Probate~~] Code; and

(2) the jurisdiction provided by law for a county court to hear and determine actions, cases, matters, or proceedings instituted under:

(A) Section 166.046, 192.027, 193.007, 552.015, 552.019, 711.004, or 714.003, Health and Safety Code;

(B) Chapter 462, Health and Safety Code; or

(C) Subtitle C or D, Title 7, Health and Safety Code.

SECTION 22.024. Sections 25.0022(a) and (i), Government Code, are amended to read as follows:

(a) "Statutory probate court" has the meaning assigned by *Chapter 22, Estates* [~~Section 3, Texas Probate~~] Code.

(i) A judge assigned under this section has the jurisdiction, powers, and duties given by Sections 32.001, 32.002, 32.003, 32.005, 32.006, 32.007, 34.001, 1022.001, 1022.002, 1022.003, 1022.005, 1022.006, and 1022.007, *Estates* [4A, 4C, 4D, 4F, 4G, 4H, 5B, 605, 607A, 607B, 607D, 607E, and 608, *Texas Probate*] Code, to statutory probate court judges by general law.

SECTION 22.025. Section 25.00222(b), Government Code, is amended to read as follows:

(b) If the judge of a statutory probate court that has jurisdiction over a cause of action appertaining to or incident to an estate pending in the statutory probate court determines that the court no longer has jurisdiction over the cause of action, the judge may transfer that cause of action to:

- (1) a district court, county court, statutory county court, or justice court located in the same county that has jurisdiction over the cause of action that is transferred; or
- (2) the court from which the cause of action was transferred to the statutory probate court under Section 34.001 [5B] or 1022.007, *Estates* [608, *Texas Probate*] Code.

SECTION 22.026. Section 25.0202(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings;
- (2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, court costs, and attorney's fees; and
- (3) contested probate matters under Section 32.003, *Estates* [4D, *Texas Probate*] Code.

SECTION 22.027. Section 25.1132(c), Government Code, is amended to read as follows:

(c) A county court at law in Hood County has concurrent jurisdiction with the district court in:

- (1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, excluding interest;
- (2) family law cases and related proceedings;
- (3) contested probate matters under Section 32.003(a), *Estates* [4D(a), *Texas Probate*] Code; and
- (4) contested matters in guardianship proceedings under Section 1022.003(a), *Estates* [607B(a), *Texas Probate*] Code.

SECTION 22.028. Section 25.1863(b), Government Code, is amended to read as follows:

(b) A county court at law has concurrent jurisdiction with the district court over contested probate matters. Notwithstanding the requirement in Section 32.003(a), *Estates* [4D(a), *Texas Probate*] Code, that the judge of the constitutional county court transfer a contested probate proceeding to the district court, the judge of the constitutional county court shall transfer the proceeding under that section to either a county court at law in Parker County or a district court in Parker County. A county court at law has the jurisdiction, powers, and duties that a district court has under Section 32.003(a), *Estates* [4D(a), *Texas Probate*] Code, for the transferred proceeding, and the county clerk acts as clerk for the proceeding. The contested proceeding may be transferred between a county court at law in Parker County and a district court in Parker County as provided by local rules of administration.

SECTION 22.029. Sections 25.2452(a) and (d), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, includ-

ing the general jurisdiction provided for a county court at law by the *Estates* [~~Texas Probate~~] Code, a county court at law in Wichita County has concurrent jurisdiction with the county court in:

- (1) appeals from municipal courts of record in Wichita County as provided by Subchapter H [D], Chapter 30;
- (2) misdemeanor cases; and
- (3) probate and mental health matters.

(d) A county court at law does not have jurisdiction of:

- (1) a case under:
 - (A) the Alcoholic Beverage Code;
 - (B) the Election Code; or
 - (C) the Tax Code;
- (2) a matter over which the district court has exclusive jurisdiction; or
- (3) a civil case, other than a case under the Family Code or the *Estates* [~~Texas Probate~~] Code, in which the amount in controversy is:
 - (A) less than the maximum amount in controversy allowed the justice court in Wichita County; or
 - (B) more than \$200,000, exclusive of punitive or exemplary damages, penalties, interest, costs, and attorney's fees.

SECTION 22.030. Section 54A.201, Government Code, is amended to read as follows:

Sec. 54A.201. DEFINITION. In this subchapter, "statutory probate court" has the meaning assigned by Chapter 22, *Estates* [~~Section 3, Texas Probate~~] Code.

SECTION 22.031. Sections 155.001(2), (3), (5), and (7), Government Code, are amended to read as follows:

- (2) "Corporate fiduciary" has the meaning assigned by Chapter 1002, *Estates* [~~Section 601, Texas Probate~~] Code.
- (3) "Guardian" has the meaning assigned by Chapter 1002, *Estates* [~~Section 601, Texas Probate~~] Code.
- (5) "Incapacitated person" has the meaning assigned by Chapter 1002, *Estates* [~~Section 601, Texas Probate~~] Code.
- (7) "Ward" has the meaning assigned by Chapter 1002, *Estates* [~~Section 601, Texas Probate~~] Code.

SECTION 22.032. Section 155.104, Government Code, is amended to read as follows:

Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS. In addition to the information submitted under Section 1104.306, *Estates* [~~697(e), Texas Probate~~] Code, the director may require a private professional guardian or a person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian to submit information considered necessary to monitor the person's compliance with the applicable standards adopted under Section 155.101 or with the certification requirements of Section 155.102.

SECTION 22.033. Section 155.105(c), Government Code, is amended to read as follows:

- (c) A private professional guardian shall submit with the report required under Subsection (b) a copy of the guardian's application for a certificate of registration required by Section 1104.302, *Estates* [~~697(a), Texas Probate~~] Code.

SECTION 22.034. Section 411.052(a), Government Code, is amended to read as follows:

- (a) In this section, "federal prohibited person information" means information that identifies an individual as:

(1) a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) a person acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3) a person determined to have mental retardation and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(4) an incapacitated adult individual for whom a court has appointed a guardian of the individual under *Title 3, Estates* [~~Chapter XIII, Probate~~] Code, based on the determination that the person lacks the mental capacity to manage the person's affairs; or

(5) a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure.

SECTION 22.035. Section 411.0521(a), Government Code, is amended to read as follows:

(a) The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than the 30th day after the date the court:

(1) orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) acquits a person in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3) commits a person determined to have mental retardation for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(4) appoints a guardian of the incapacitated adult individual under *Title 3, Estates* [~~Chapter XIII, Probate~~] Code, based on the determination that the person lacks the mental capacity to manage the person's affairs;

(5) determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(6) finds a person is entitled to relief from disabilities under Section 574.088, Health and Safety Code.

SECTION 22.036. Section 411.114(a)(1)(E), Government Code, is amended to read as follows:

(E) "Ward" has the meaning assigned by *Chapter 1002, Estates* [~~Section 601, Texas Probate~~] Code.

SECTION 22.037. Section 411.1386(d), Government Code, is amended to read as follows:

(d) The criminal history record information obtained under Subsection (a-4) is for the exclusive use of the court or guardianship certification program of the Judicial Branch Certification Commission, as appropriate, and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except on court order, with the consent of the person being investigated, or as authorized by Subsection (a-6) or Section 1104.404, *Estates* [~~698(a-6), Texas Probate~~] Code. The county clerk or guardianship certification program of the Judicial Branch Certification Commission may destroy the criminal history record information after the information is used for the purposes authorized by this section.

SECTION 22.038. Section 420.0735(b), Government Code, is amended to read as follows:

(b) For purposes of Subsection (a)(1), a written consent signed by an incapacitated person, as that term is defined by *Chapter 1002, Estates* [~~Section 601, Texas Probate~~] Code, is effective regardless of whether the incapacitated person's guardian, guardian ad

litem, or other legal agent signs the release. If the incapacitated person is unable to provide a signature and the guardian, guardian ad litem, or other legal agent is unavailable to sign the release, then the investigating law enforcement officer may sign the release.

SECTION 22.039. Section 501.014(b), Government Code, is amended to read as follows:

(b) If an inmate with money in an account established under Subsection (a) dies while confined in a facility operated by or under contract with the department, the department shall attempt to give notice of the account to a beneficiary or known relative of the deceased inmate. On the presentation of a notarized claim to the department for the money by a person entitled to the notice, the department may pay any amount not exceeding \$2,500 of the deceased inmate's money held by the department to the claimant. A claim for money in excess of \$2,500 must be made under *Chapter 205, Estates* [Section 137, Probate] Code, or another law, as applicable. The department is not liable for making a payment or failing to make a payment under this subsection.

SECTION 22.040. Section 552.140(c), Government Code, is amended to read as follows:

(c) On request and the presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body free of charge a copy or certified copy of the record:

- (1) the veteran who is the subject of the record;
- (2) the legal guardian of the veteran;
- (3) the spouse or a child or parent of the veteran or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;
- (4) the personal representative of the estate of the veteran;
- (5) the person named by the veteran, or by a person described by Subdivision (2), (3), or (4), in an appropriate power of attorney executed in accordance with *Subchapters A and B, Chapter 752, Estates* [Section 490, Chapter XII, Texas Probate] Code;
- (6) another governmental body; or
- (7) an authorized representative of the funeral home that assists with the burial of the veteran.

SECTION 22.041. Section 825.508(b), Government Code, is amended to read as follows:

(b) The system must honor a power of attorney executed in accordance with *Subchapters A and B, Chapter 752, Estates* [XII, Section 490, Texas Probate] Code.

SECTION 22.042. Section 841.008(c), Government Code, is amended to read as follows:

(c) If requested by the person entitled to the benefit or the guardian, attorney in fact, or trustee of the person, the director may, if the director determines that it is in the best interest of the person entitled to the benefit, make payments directly to the trustee of:

- (1) a trust described by *Subchapter B, Chapter 1301, Estates* [Section 867, Texas Probate] Code, that has been created for the management of guardianship funds for the benefit of the person; or
- (2) a trust described by 42 U.S.C. Section 1396p(d)(4)(A), (B), or (C) that has been established to qualify the person for benefits or other assistance under a state or federal program or to supplement the benefits or other assistance provided under the program.

SECTION 22.043. Sections 844.408(a), (b), and (c), Government Code, are amended to read as follows:

(a) In this section "heirs" has the meaning assigned by *Chapter 22, Estates* [Section 3, Texas Probate] Code, except that the term excludes any person who has filed a proper disclaimer or renunciation with the retirement system.

(b) If the administrator of a deceased member's estate would be entitled to a refund or an annuity because of the death of the member, the heirs of the deceased member may apply for and receive the benefit if:

- (1) no petition for the appointment of a personal representative of the member is pending or has been granted;
- (2) 30 days have elapsed since the date of death of the member;
- (3) the value of the entire assets of the member's probate estate, excluding homestead and exempt property, does not exceed \$50,000; and
- (4) on file with the retirement system is a certified copy of a small estates affidavit that has been approved and filed in accordance with *Chapter 205, Estates* [Section 137, Texas Probate] Code, or an original affidavit described by Subsection (c).

(c) If no affidavit has been filed with the clerk of the court having jurisdiction and venue as provided by *Chapter 205, Estates* [Section 137, Texas Probate] Code, the retirement system may accept instead an affidavit sworn to by two disinterested witnesses and by those heirs who have legal capacity and, if the facts warrant, by the natural guardian or next of kin of any minor or incompetent who is also an heir. The affidavit must include the names and addresses of the heirs and witnesses, establish the facts listed in Subsection (b), include a list of the assets and liabilities of the estate, show the facts that constitute the basis for the right of the heirs to receive the estate, and show the fractional interests of the heirs in the estate as a result of those facts.

SECTION 22.044. Sections 854.106(a), (b), and (d), Government Code, are amended to read as follows:

(a) If a surviving spouse, or the executor or administrator of a member's estate, would be entitled to make an election under Section 854.105 because of the death of the member, the heirs of the deceased member may make that election if:

- (1) no surviving spouse exists;
- (2) no petition for the appointment of a personal representative of the member is pending or has been granted;
- (3) 30 days have elapsed since the death of the member;
- (4) the value of the entire assets of the member's estate, excluding homestead and exempt property, does not exceed \$50,000;
- (5) there are not more than three heirs; and
- (6) on file with the retirement system is a certified copy of a small estates affidavit that has been approved and filed in accordance with *Chapter 205, Estates* [Section 137, Texas Probate] Code, or an original affidavit as described by Subsection (b).

(b) If no affidavit has been filed with the clerk of the court having jurisdiction and venue as provided by *Chapter 205, Estates* [Section 137 of the Texas Probate] Code, the retirement system may accept instead an affidavit sworn to by two disinterested witnesses, by the heirs who have legal capacity, and, if the facts warrant, by the natural guardian or next of kin of any minor or incompetent who is also an heir. The affidavit shall include the names and addresses of the heirs and witnesses, establish the facts listed in Subsection (a), include a list of the assets and liabilities of the estate, show the facts that constitute the basis for the right of the heirs to receive the estate, and show the fractional interests of the heirs in the estate as a result of those facts.

(d) In this section, "heirs" has the meaning assigned by *Chapter 22, Estates* [Section 3, Texas Probate] Code, except that the term excludes any persons who have filed with the retirement system a proper disclaimer or renunciation.

SECTION 22.045. Section 313.003(a), Health and Safety Code, is amended to read as follows:

(a) This chapter does not apply to:

- (1) a decision to withhold or withdraw life-sustaining treatment from qualified terminal or irreversible patients under Subchapter B, Chapter 166;

(2) a health care decision made under a medical power of attorney under Subchapter D, Chapter 166, or under *Subtitle P, Title 2, Estates* [~~Chapter XII, Texas Probate~~] Code;

(3) consent to medical treatment of minors under Chapter 32, Family Code;

(4) consent for emergency care under Chapter 773;

(5) hospital patient transfers under Chapter 241; or

(6) a patient's legal guardian who has the authority to make a decision regarding the patient's medical treatment.

SECTION 22.046. Section 313.004(f), Health and Safety Code, is amended to read as follows:

(f) A person who is an available adult surrogate, as described by Subsection (a), may consent to medical treatment on behalf of a patient who is an adult inmate of a county or municipal jail only for a period that expires on the earlier of the 120th day after the date the person agrees to act as an adult surrogate for the patient or the date the inmate is released from jail. At the conclusion of the period, a successor surrogate may not be appointed and only the patient or the patient's appointed guardian of the person, if the patient is a ward under *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code, may consent to medical treatment.

SECTION 22.047. Section 576.002(b), Health and Safety Code, is amended to read as follows:

(b) There is a rebuttable presumption that a person is mentally competent unless a judicial finding to the contrary is made under the *Estates* [~~Texas Probate~~] Code.

SECTION 22.048. Section 1104.004, Insurance Code, is amended to read as follows:

Sec. 1104.004. WRITTEN APPROVAL BY ADULT REQUIRED. An application or agreement made by a minor under this subchapter must be signed or approved in writing by:

(1) a parent, grandparent, or adult sibling of the minor; or

(2) if the minor does not have a parent, grandparent, or adult sibling, an adult eligible under the *Estates* [~~Texas Probate~~] Code to be appointed guardian of the estate of the minor.

SECTION 22.049. Section 1551.004(a), Insurance Code, is amended to read as follows:

(a) In this chapter, "dependent" with respect to an individual eligible to participate in the group benefits program means the individual's:

(1) spouse;

(2) unmarried child younger than 26 years of age;

(3) child of any age who the board of trustees determines lives with or has the child's care provided by the individual on a regular basis if the child is mentally or physically incapacitated to the extent that the child is dependent on the individual for care or support, as determined by the board of trustees;

(4) child of any age who is unmarried, for purposes of health benefit coverage under this chapter, on expiration of the child's continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272) and its subsequent amendments; and

(5) ward, as that term is defined by *Chapter 1002, Estates* [~~Section 601, Texas Probate~~] Code, who is 26 years of age or younger.

SECTION 22.050. Sections 117.053(b) and (c), Local Government Code, are amended to read as follows:

(b) Except as provided by Subsection (a), a clerk may not draw a check on special account funds held by a depository except to pay a person entitled to the funds. The payment must be made under an order of the court of proper jurisdiction in which the funds were deposited except that an appeal bond shall be paid without a written order of the

court on receipt of mandate or dismissal and funds deposited under *Chapter 1355, Estates* [~~Section 887, Texas Probate~~] Code, may be paid without a written order of the court. The clerk shall place on the check the style and number of the proceeding in which the money was deposited with the clerk.

(c) The clerk shall transfer any registry funds into a separate account when directed to by a written order of a court of proper jurisdiction or when the clerk is required to under *Chapter 1355, Estates* [~~Section 887, Texas Probate~~] Code. The clerk shall transfer the funds into a separate account in:

- (1) interest-bearing deposits in a financial institution doing business in this state that is insured by the Federal Deposit Insurance Corporation;
- (2) United States treasury bills;
- (3) an eligible interlocal investment pool that meets the requirements of Sections 2256.016, 2256.017, and 2256.019, Government Code; or
- (4) a no-load money market mutual fund, if the fund:
 - (A) is regulated by the Securities and Exchange Commission;
 - (B) has a dollar weighted average stated maturity of 90 days or fewer; and
 - (C) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

SECTION 22.051. Section 117.125(b), Local Government Code, is amended to read as follows:

(b) A clerk shall transfer all money deposited in a registry fund under *Chapter 1355, Estates* [~~Section 887, Texas Probate~~] Code, into a separate account.

SECTION 22.052. Section 159.005(a), Occupations Code, is amended to read as follows:

(a) Consent for the release of confidential information must be in writing and signed by:

- (1) the patient;
- (2) a parent or legal guardian of the patient if the patient is a minor;
- (3) a legal guardian of the patient if the patient has been adjudicated incapacitated to manage the patient's personal affairs;
- (4) an attorney ad litem appointed for the patient, as authorized by:
 - (A) Subtitle C, Title 7, Health and Safety Code;
 - (B) Subtitle D, Title 7, Health and Safety Code;
 - (C) *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code; or
 - (D) Chapter 107, Family Code; or
- (5) a personal representative of the patient if the patient is deceased.

SECTION 22.053. Section 201.405(b), Occupations Code, is amended to read as follows:

(b) Consent for the release of confidential information must be in writing and signed by:

- (1) the patient;
- (2) a parent or legal guardian if the patient is a minor;
- (3) a legal guardian if the patient has been adjudicated incompetent to manage the patient's personal affairs;
- (4) an attorney ad litem appointed for the patient, as authorized by:
 - (A) Subtitle B, Title 6, Health and Safety Code;
 - (B) Subtitle C, D, or E, Title 7, Health and Safety Code;

(C) *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code;

(D) Chapter 107, Family Code; or

(E) another applicable provision; or

(5) a personal representative if the patient is deceased.

SECTION 22.054. Section 202.406(a), Occupations Code, is amended to read as follows:

(a) Consent for the release of information made confidential under this subchapter must be made in writing and signed by:

(1) the patient;

(2) the patient's parent or legal guardian if the patient is a minor;

(3) a legal guardian if the patient has been adjudicated incompetent to manage the patient's personal affairs;

(4) an attorney ad litem appointed for the patient, as authorized by:

(A) Subtitle B, Title 6, Health and Safety Code;

(B) Subtitle C, D, or E, Title 7, Health and Safety Code;

(C) *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code;

(D) Chapter 107, Family Code; or

(E) another applicable law; or

(5) the patient's personal representative if the patient is deceased.

SECTION 22.055. Section 1703.351(a), Occupations Code, is amended to read as follows:

(a) The department may take action authorized under Subsection (b) against an applicant or license holder who:

(1) wilfully violates this chapter or a rule adopted under this chapter;

(2) violates Section 1703.306(a);

(3) wilfully aids or abets another to violate this chapter or a rule adopted under this chapter;

(4) allows the person's license issued under this chapter to be used by an unlicensed person in violation of this chapter;

(5) makes a material misstatement in an application for the issuance or renewal of a license;

(6) makes a wilful misrepresentation or false promise or causes the printing of a false or misleading advertisement to directly or indirectly obtain business or trainees;

(7) fails to inform a subject to be examined:

(A) of the nature of the examination; and

(B) that the subject's participation in the examination is voluntary;

(8) fails to inform the subject of an examination of the examination results on request;

(9) violates Section 51.151, Family Code;

(10) wilfully makes a false report concerning an examination for polygraph examination purposes;

(11) fails to provide within a reasonable time information requested by the department as the result of a formal complaint to the department alleging a violation of this chapter;

(12) demonstrates unworthiness or incompetency to act as a polygraph examiner;

(13) is convicted of an offense that directly relates to the duties and responsibilities of a polygraph examiner; or

(14) is found to be incapacitated as provided by the *Estates* [~~Probate~~] Code.

SECTION 22.056. Section 25.10(a), Penal Code, is amended to read as follows:

(a) In this section:

(1) "Possessory right" means the right of a guardian of the person to have physical possession of a ward and to establish the ward's legal domicile, as provided by Section 1151.051(c)(1), *Estates* [~~767(1), Texas Probate~~] Code.

(2) "Ward" has the meaning assigned by Chapter 1002, *Estates* [~~Section 601, Texas Probate~~] Code.

SECTION 22.057. Section 32.45(a)(1), Penal Code, is amended to read as follows:

(1) "Fiduciary" includes:

(A) a trustee, guardian, administrator, executor, conservator, and receiver;

(B) an attorney in fact or agent appointed under a durable power of attorney as provided by Subtitle P, Title 2, *Estates* [~~Chapter XII, Texas Probate~~] Code;

(C) any other person acting in a fiduciary capacity, but not a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 162.001, Tax Code; and

(D) an officer, manager, employee, or agent carrying on fiduciary functions on behalf of a fiduciary.

SECTION 22.058. Section 26.005(b), Property Code, is amended to read as follows:

(b) The interests of the deceased individual's children and grandchildren are divided among them and exercisable on a per stirpes basis in the manner provided by Section 201.101, *Estates* [~~43, Texas Probate~~] Code, according to the number of the deceased individual's children represented. If there is more than one child of a deceased child of the deceased individual, the share of a child of a deceased child may only be exercised by a majority of the children of the deceased child.

SECTION 22.059. Section 74.501(d), Property Code, is amended to read as follows:

(d) On receipt of a claim form and all necessary documentation and as may be appropriate under the circumstances, the comptroller may approve the claim of:

(1) the reported owner of the property;

(2) if the reported owner died testate:

(A) the appropriate legal beneficiaries of the owner as provided by the last will and testament of the owner that has been accepted into probate or filed as a muniment of title; or

(B) the executor of the owner's last will and testament who holds current letters testamentary;

(3) if the reported owner died intestate:

(A) the legal heirs of the owner as provided by Sections 201.001 and 201.002, *Estates* [~~Section 38, Texas Probate~~] Code; or

(B) the court-appointed administrator of the owner's estate;

(4) the legal heirs of the reported owner as established by an affidavit of heirship order signed by a judge of the county probate court or by a county judge;

(5) if the reported owner is a minor child or an adult who has been adjudged incompetent by a court of law, the parent or legal guardian of the child or adult;

(6) if the reported owner is a corporation:

(A) the president or chair of the board of directors of the corporation, on behalf of the corporation; or

(B) any person who has legal authority to act on behalf of the corporation;

(7) if the reported owner is a corporation that has been dissolved or liquidated:

(A) the sole surviving shareholder of the corporation, if there is only one surviving shareholder;

(B) the surviving shareholders of the corporation in proportion to their ownership of the corporation, if there is more than one surviving shareholder;

(C) the corporation's bankruptcy trustee; or

(D) the court-ordered receiver for the corporation; or

(8) any other person that is entitled to receive the unclaimed property under other law or comptroller policy.

SECTION 22.060. Section 115.001(d), Property Code, is amended to read as follows:

(d) The jurisdiction of the district court is exclusive except for jurisdiction conferred by law on:

(1) a statutory probate court;

(2) a court that creates a trust under *Subchapter B, Chapter 1301, Estates* [Section 867, ~~Texas Probate~~] Code;

(3) a court that creates a trust under Section 142.005;

(4) a justice court under Chapter 27, Government Code; or

(5) ~~a small claims court under Chapter 28, Government Code; or~~

~~[(6)]~~ a county court at law.

SECTION 22.061. Section 123.003(a), Property Code, is amended to read as follows:

(a) Any party initiating a proceeding involving a charitable trust shall give notice of the proceeding to the attorney general by sending to the attorney general, by registered or certified mail, a true copy of the petition or other instrument initiating the proceeding involving a charitable trust within 30 days of the filing of such petition or other instrument, but no less than 25 days prior to a hearing in such a proceeding. This subsection does not apply to a proceeding that is initiated by an application that exclusively seeks the admission of a will to probate, regardless of whether the application seeks the appointment of a personal representative, if the application:

(1) is uncontested; and

(2) is not subject to *Subchapter C, Chapter 256, Estates* [Section 88, ~~Texas Probate~~] Code.

SECTION 22.062. Section 123.005, Property Code, is amended to read as follows:

Sec. 123.005. BREACH OF FIDUCIARY DUTY: VENUE; JURISDICTION. (a) Venue in a proceeding brought by the attorney general alleging breach of a fiduciary duty by a charitable entity or a fiduciary or managerial agent of a charitable trust shall be a court of competent jurisdiction in Travis County or in the county where the defendant resides or has its principal office. To the extent of a conflict between this subsection and any provision of the *Estates* [Texas Probate] Code providing for venue of a proceeding brought with respect to a charitable trust created by a will that has been admitted to probate, this subsection controls.

(b) A statutory probate court of Travis County has concurrent jurisdiction with any other court on which jurisdiction is conferred by Section 32.001, *Estates* [4A, ~~Texas Probate~~] Code, in a proceeding brought by the attorney general alleging breach of a fiduciary duty with respect to a charitable trust created by a will that has been admitted to probate.

SECTION 22.063. Section 27(a), Chapter 88 (H.B. 1573), Acts of the 77th Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A person eligible for payment of a pension or other benefits administered by the pension system may direct the pension system to treat as the authorized representative of the person concerning the disposition of the pension or other benefits an attorney-in-fact under a power of attorney that the pension system determines complies with *Subchapters A and B, Chapter 752, Estates* [Section 490, ~~Texas Probate~~] Code.

SECTION 22.064. Section 6.13, Chapter 824 (S.B. 817), Acts of the 73rd Legislature, Regular Session, 1993 (Article 6243o, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.13. GUARDIANSHIP. Any benefit payable under this article to a dependent child as defined by Section 1.02(7)(B) of this Act may be paid only to a guardian who is appointed in accordance with *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code. Any benefit payable under this article to a dependent child as defined by Section 1.02(7)(A) of this Act may, at the board's discretion, be:

- (1) paid to a guardian appointed in accordance with *Title 3, Estates* [~~Chapter XIII, Texas Probate~~] Code; or
- (2) accrued by the fund and paid directly to the dependent child on the child's 18th birthday.

ARTICLE 23. CONFORMING CHANGES RELATING TO NONSUBSTANTIVE REVISION OF CERTAIN LAWS CONCERNING COMMUNITY SUPERVISION

SECTION 23.001. Article 42.0199, Code of Criminal Procedure, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Art. 42.0. FINDING REGARDING DILIGENT PARTICIPATION CREDIT. If a person is convicted of a state jail felony, the judge shall make a finding and enter the finding in the judgment of the case regarding whether the person is presumptively entitled to diligent participation credit in accordance with [~~Section 15(h),~~] Article 42A.559 [~~42.12~~].

SECTION 23.002. Section 5, Article 42.03, Code of Criminal Procedure, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 5. Except as otherwise provided by [~~Section 5(a-1),~~] Article 42A.106(b) [~~42.12~~], the court after pronouncing the sentence shall inform the defendant of the defendant's right to petition the court for an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, unless the defendant is ineligible to pursue that right because of the requirements that apply to obtaining the order in the defendant's circumstances, such as:

- (1) the nature of the offense for which the defendant is convicted; or
- (2) the defendant's criminal history.

SECTION 23.003. Sections 411.072(a) and (b), Government Code, are amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) This section applies only to a person who:

(1) was placed on deferred adjudication community supervision under *Subchapter C* [~~Section 5~~], *Chapter 42A* [~~Article 42.12~~], Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under [~~Section 5(k),~~] Article 42A.105(f) [~~42.12~~], Code of Criminal Procedure, was filed in the papers of the case; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than an offense under the Transportation Code that is punishable by fine only.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, if a person described by Subsection (a) receives a discharge and dismissal under [~~Section 5(e),~~] Article 42A.111 [~~42.12~~], Code of Criminal Procedure, and satisfies the requirements of Section 411.074, the court that placed the person on deferred adjudication community supervision shall issue an order of nondisclosure of criminal history record information

under this subchapter prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision. The court shall determine whether the person satisfies the requirements of Section 411.074, and if the court makes a finding that the requirements of that section are satisfied, the court shall issue the order of nondisclosure of criminal history record information:

(1) at the time the court discharges and dismisses the proceedings against the person, if the discharge and dismissal occurs on or after the 180th day after the date the court placed the person on deferred adjudication community supervision; or

(2) as soon as practicable on or after the 180th day after the date the court placed the person on deferred adjudication community supervision, if the discharge and dismissal occurred before that date.

SECTION 23.004. Section 411.0725(a), Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) This section applies only to a person placed on deferred adjudication community supervision under *Subchapter C* [Section 5], *Chapter 42A* [Article 42.12], Code of Criminal Procedure, who is not eligible to receive an order of nondisclosure of criminal history record information under Section 411.072.

SECTION 23.005. Section 411.0728(a), Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) This section applies only to a person who on conviction for an offense under Section 43.02, Penal Code, is placed on community supervision under *Chapter 42A* [Article 42.12], Code of Criminal Procedure, and with respect to whom the conviction is subsequently set aside by the court under *Article 42A.701* [Section 20(a)] of that code [article].

SECTION 23.006. Section 411.073(a), Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) This section applies only to a person placed on community supervision under *Chapter 42A* [Article 42.12], Code of Criminal Procedure:

(1) following a conviction of a misdemeanor other than a misdemeanor under Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; and

(2) under a provision of *Chapter 42A* [Article 42.12], Code of Criminal Procedure, other than *Subchapter C* [Section 5], including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

SECTION 23.007. Section 411.1471(f), Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(f) A defendant who provides a DNA sample under this section is not required to provide a DNA sample under Section 411.148 of this code or under [Section 11(g)] Article 42A.352 [42.12], Code of Criminal Procedure, unless the attorney representing the state in the prosecution of the felony offense that makes Section 411.148 or *Article 42A.352* [11(g)] applicable to the defendant establishes to the satisfaction of the director that the interests of justice or public safety require that the defendant provide additional samples.

SECTION 23.008. Section 411.1882(a), Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a supervision officer as defined by ~~[Section 2,]~~ Article 42A.001 ~~[42-12]~~, Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

SECTION 23.009. Section 411.1953, Government Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Sec. 411.1953. REDUCTION OF FEES FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OFFICERS AND JUVENILE PROBATION OFFICERS. Notwithstanding any other provision of this subchapter, an applicant who is serving in this state as a supervision officer, as defined by ~~[Section 2,]~~ Article 42A.001 ~~[42-12]~~, Code of Criminal Procedure, or as a juvenile probation officer shall pay a fee of \$25 for the issuance of an original or renewed license under this subchapter.

SECTION 23.010. Section 49.09(h), Penal Code, as amended by Section 2.84, Chapter 770 (H.B. 2299), and Section 2, Chapter 1067 (H.B. 2246), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to conform to Section 1.01, Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(h) This subsection applies only to a person convicted of a second or subsequent offense relating to the operating of a motor vehicle while intoxicated committed within five years of the date on which the most recent preceding offense was committed. The court shall enter an order that requires the defendant to have a device installed, on each motor vehicle owned or operated by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator, and that requires that before the first anniversary of the ending date of the period of license suspension under Section 521.344, Transportation Code, the defendant not operate any motor vehicle that is not equipped with that device. The court shall require the defendant to obtain the device at the defendant's own cost on or before that ending date, require the defendant to provide evidence to the court on or before that ending date that the device has been installed on each appropriate vehicle, and order the device to remain installed on each vehicle until the first anniversary of that ending date. If the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule not to extend beyond the first anniversary of the date of installation. The Department of Public Safety shall approve devices for use under this subsection. Section 521.247, Transportation Code, applies to the approval of a device under this subsection and the consequences of that approval. Failure to comply with an order entered under this subsection is punishable by contempt. For the purpose of enforcing this subsection, the court that enters an order under this subsection retains jurisdiction over the defendant until the date on which the device is no longer required to remain installed. To the extent of a conflict between this subsection and Subchapter I, Chapter 42A, Code of Criminal Procedure, this subsection controls.

SECTION 23.011. Section 92.025(b), Property Code, is amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(b) This section does not preclude a cause of action for negligence in leasing of a dwelling by a landlord or a landlord's manager or agent to a tenant, if:

(1) the tenant:

(A) was convicted of an offense listed in ~~[Section 3g,]~~ Article 42A.054 ~~[42-12]~~, Code of Criminal Procedure; or

(B) has a reportable conviction or adjudication, as defined by Article 62.001, Code of Criminal Procedure; and

(2) the person against whom the action is filed knew or should have known of the conviction or adjudication.

SECTION 23.012. (a) Article 42A.105, Code of Criminal Procedure, is amended to conform to Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, by adding Subsection (f) to read as follows:

(f) If a judge places on deferred adjudication community supervision a defendant charged with a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure under Section 411.072, Government Code.

(b) Article 42A.106(b), Code of Criminal Procedure, is amended to conform to Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(b) Before placing a defendant on deferred adjudication community supervision, the court shall inform the defendant of the defendant's right to *receive or* petition the court for an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411 [~~Section 411.081~~], Government Code, as applicable, unless the defendant is ineligible for an order [~~to pursue that right~~] because of:

(1) the nature of the offense for which the defendant is placed on deferred adjudication community supervision; or

(2) the defendant's criminal history.

(c) Article 42A.111(e), Code of Criminal Procedure, is amended to conform to Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(e) A judge who dismisses the proceedings against a defendant and discharges the defendant under this article:

(1) shall [:

~~[(1)]~~ provide the defendant with a copy of the order of dismissal and discharge; and

(2) if the judge determines that the defendant is or may become eligible for an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, shall, as applicable:

(A) grant an order of nondisclosure of criminal history record information to the defendant;

(B) inform the defendant of the defendant's eligibility to receive an order of nondisclosure of criminal history record information without a petition and the earliest date on which the defendant is eligible to receive the order; or

(C) [;] inform the defendant of the defendant's eligibility to petition the court for an order of nondisclosure of criminal history record information [~~under Section 411.081, Government Code,~~] and the earliest date the defendant is eligible to file the petition for the order [~~of nondisclosure~~].

(d) Section 16, Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 5, Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.013. (a) Article 42A.301, Code of Criminal Procedure, is amended to conform to Section 2, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. The judge of the court having jurisdiction of the case shall determine the conditions of community supervision. The judge may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Conditions of community supervision may include conditions requiring the defendant to:

(1) commit no offense against the laws of this state or of any other state or of the United States;

- (2) avoid injurious or vicious habits;
- (3) avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;
- (4) report to the supervision officer as directed by the judge or supervision officer and obey all rules and regulations of the community supervision and corrections department;
- (5) permit the supervision officer to visit the defendant at the defendant's home or elsewhere;
- (6) work faithfully at suitable employment to the extent possible;
- (7) remain within a specified place;
- (8) pay in one or more amounts:
 - (A) the defendant's fine, if one is assessed; and
 - (B) all court costs, regardless of whether a fine is assessed;
- (9) support the defendant's dependents;
- (10) participate, for a period specified by the judge, in any community-based program, including a community service project under Article 42A.304;
- (11) *if the judge determines that the defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs, reimburse the county in which the prosecution was instituted for the costs of the legal services in an amount that the judge finds the defendant is able to pay, except that the defendant may not be ordered to pay an amount that exceeds [as follows]:*
 - (A) *the actual costs, including any expenses and costs, paid by the county for the legal services provided by an appointed attorney [if counsel was appointed, an amount for compensation paid to appointed counsel for defending the defendant in the case]; or*
 - (B) *if the defendant was represented by a public defender's office, the actual [an] amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defender's office;*
- (12) if under custodial supervision in a community corrections facility:
 - (A) remain under that supervision;
 - (B) obey all rules and regulations of the facility; and
 - (C) pay a percentage of the defendant's income to:
 - (i) the facility for room and board; and
 - (ii) the defendant's dependents for their support during the period of custodial supervision;
- (13) submit to testing for alcohol or controlled substances;
- (14) attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services;
- (15) with the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;
- (16) submit to electronic monitoring;
- (17) reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56.32, of the offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed \$50 if the offense is a misdemeanor or not to exceed \$100 if the offense is a felony;
- (18) reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(19) pay all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(20) make one payment in an amount not to exceed \$50 to a crime stoppers organization, as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(21) submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant;

(22) in any manner required by the judge, provide in the county in which the offense was committed public notice of the offense for which the defendant was placed on community supervision; and

(23) reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

(b) Article 42A.651, Code of Criminal Procedure, is amended to conform to Section 2, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A judge may not order a defendant to make a payment as a term or condition of community supervision, except for:

(1) the payment of fines, court costs, or restitution to the victim; ~~or~~

(2) reimbursement of a county as described by Article 42A.301(11); or

(3) a payment ordered as a condition that relates personally to the rehabilitation of the defendant or that is otherwise expressly authorized by law.

(c) A judge may not impose a condition of community supervision requiring a defendant to reimburse a county for the costs of legal services as described by Article 42A.301(11) if the defendant has already satisfied that obligation under Article 26.05(g).

(c) Article 42A.655, Code of Criminal Procedure, is amended to conform to Section 2, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Art. 42A.655. ABILITY TO PAY. The court shall consider the defendant's ability to pay *before* ~~in~~ ordering the defendant to make any payments under this chapter.

(d) Section 2, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, which amended Sections 11(a) and (b), Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.014. (a) Article 42A.751(i), Code of Criminal Procedure, is amended to conform to Section 3, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(i) In a revocation hearing at which it is alleged only that the defendant violated the conditions of community supervision by failing to pay ~~compensation paid to appointed counsel,~~ community supervision fees~~;~~ or court costs *or by failing to pay the costs of legal services as described by Article 42A.301(11)*, the state must prove by a preponderance of the evidence that the defendant was able to pay and did not pay as ordered by the judge.

(b) Section 3, Chapter 106 (H.B. 3633), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 21(c), Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.015. (a) Article 42A.304, Code of Criminal Procedure, is amended to conform to Section 1, Chapter 1002 (H.B. 583), Acts of the 84th Legislature, Regular Session, 2015, by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) *Instead of requiring the defendant to work a specified number of hours at one or more community service projects under Subsection (a), the [The] judge may order a defendant to make a specified donation to:*

(1) a nonprofit food bank or food pantry in the community in which the defendant resides;

(2) a charitable organization engaged primarily in performing charitable functions for veterans in the community in which the defendant resides; or

(3) in a county with a population of less than 50,000, another nonprofit organization that:

(A) is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986 because it is listed in Section 501(c)(3) of that code; and

(B) provides services or assistance to needy individuals and families in the community in which the defendant resides ~~[instead of requiring the defendant to work a specified number of hours at one or more community service projects under Subsection (a)]~~.

(g) In this article:

(1) "Charitable organization" has the meaning assigned by Section 2252.906, Government Code.

(2) "Veteran" has the meaning assigned by Section 434.022, Government Code.

(b) Section 1, Chapter 1002 (H.B. 583), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 16, Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.016. (a) Article 42A.403(a), Code of Criminal Procedure, is amended to conform to Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) A judge who places on community supervision a defendant convicted of an offense under Sections 49.04–49.08, Penal Code, shall require as a condition of community supervision that the defendant attend and successfully complete, before the 181st day after the date community supervision is granted, an educational program designed to rehabilitate persons who have driven while intoxicated that is jointly approved by:

(1) the Texas Department of Licensing and Regulation ~~[State Health Services]~~;

(2) the Department of Public Safety;

(3) the traffic safety section of the traffic operations division of the Texas Department of Transportation; and

(4) the community justice assistance division of the Texas Department of Criminal Justice.

(b) Article 42A.403, Code of Criminal Procedure, is amended to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, by adding Subsection (d–1) and amending Subsection (e) to read as follows:

(d–1) *The judge shall waive the educational program requirement if the defendant successfully completes equivalent education at a residential treatment facility under Article 42A.4045.*

(e) The judge shall set out in the judgment, as applicable:

(1) the finding of good cause for waiver; or

(2) *the finding that the defendant has successfully completed equivalent education as provided by Article 42A.4045* ~~[in the judgment]~~.

(c) Article 42A.404(a), Code of Criminal Procedure, is amended to conform to Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(a) The judge shall require a defendant who is punished under Section 49.09, Penal Code, to attend and successfully complete as a condition of community supervision an educational program for repeat offenders that is approved by the Texas Department of Licensing and Regulation ~~[State Health Services]~~.

(d) Article 42A.404, Code of Criminal Procedure, is amended to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, by amending Subsections (b) and (c) and adding Subsection (b–1) to read as follows:

(b) The judge may waive the educational program requirement ~~[only]~~ if the defendant by a motion in writing shows good cause. In determining good cause, the judge may consider:

- (1) the defendant's school and work schedule;
- (2) the defendant's health;
- (3) the distance that the defendant must travel to attend an educational program; and
- (4) whether the defendant resides out of state or does not have access to transportation.

(b-1) The judge shall waive the educational program requirement if the defendant successfully completes equivalent education at a residential treatment facility under Article 42A.4045.

(c) The judge shall set out *in the judgment, as applicable*:

- (1) the finding of good cause for waiver; or
- (2) *the finding that the defendant has successfully completed equivalent education as provided by Article 42A.4045* ~~[in the judgment]~~.

(e) Subchapter I, Chapter 42A, Code of Criminal Procedure, is amended to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, by adding Article 42A.4045 to read as follows:

Art. 42A.4045. ALTERNATIVE TO EDUCATIONAL PROGRAM: SUBSTANCE ABUSE TREATMENT FACILITY. (a) A judge shall waive the educational requirement under Article 42A.403 or 42A.404 for a defendant who is required to receive treatment as a resident of a substance abuse treatment facility as a condition of community supervision if the defendant successfully completes equivalent education while the defendant is confined to the residential treatment facility.

(b) The Department of State Health Services shall approve equivalent education provided at substance abuse treatment facilities.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this article.

(d) For purposes of this article, a substance abuse treatment facility includes:

(1) a substance abuse felony punishment facility operated by the Texas Department of Criminal Justice under Section 493.009, Government Code;

(2) a community corrections facility, as defined by Section 509.001, Government Code;
or

(3) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code.

(f) Article 42A.405, Code of Criminal Procedure, is amended to conform to Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Art. 42A.405. RULES FOR AND ADMINISTRATION OF EDUCATIONAL PROGRAMS. (a) The Texas Department of Licensing and Regulation ~~[Health and Human Services Commission]~~ shall adopt rules for the educational program under Article 42A.404.

(b) The Texas Department of Licensing and Regulation ~~[State Health Services]~~ shall:

(1) publish the jointly approved rules for the educational program under Article 42A.403; and

(2) monitor, coordinate, and provide training to persons providing the educational programs under this subchapter.

(c) The Texas Department of Licensing and Regulation ~~[State Health Services]~~ is responsible for the administration of the certification of approved educational programs.

(d) The Texas Department of Licensing and Regulation ~~[State Health Services]~~ may charge a nonrefundable application fee for the initial certification of approval or for a renewal of the certification.

(g) Article 42A.406, Code of Criminal Procedure, is amended to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) If a defendant is required as a condition of community supervision to attend an educational program under Article 42A.403 or 42A.404, or if the court waives the educational program requirement under Article 42A.403 *or the defendant successfully completes equivalent education under Article 42A.4045*, the court clerk shall immediately report that fact to the Department of Public Safety, on a form prescribed by the department, for inclusion in the defendant's driving record. If the court grants an extension of time in which the defendant may complete the educational program under Article 42A.403, the court clerk shall immediately report that fact to the Department of Public Safety on a form prescribed by the department. The clerk's report under this subsection must include the beginning date of the defendant's community supervision.

(b-1) Upon release from a residential treatment facility at which the person successfully completed equivalent education under Article 42A.4045, at the request of the court clerk, the director of the residential treatment facility shall give notice to the Department of Public Safety for inclusion in the person's driving record.

(h) The following provisions are repealed:

(1) Section 1, Chapter 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, which amended Subsections (h) and (j) and added Subsection (o), Section 13, Article 42.12, Code of Criminal Procedure; and

(2) Section 1.224, Chapter 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, which amended Subsections (h) and (j), Section 13, Article 42.12, Code of Criminal Procedure.

SECTION 23.017. (a) Article 42A.407, Code of Criminal Procedure, is amended to conform to Section 1, Chapter 1067 (H.B. 2246), Acts of the 84th Legislature, Regular Session, 2015, by adding Subsection (g) to read as follows:

(g) Notwithstanding any other provision of this subchapter, a defendant whose license is suspended for an offense under Sections 49.04–49.08, Penal Code, may operate a motor vehicle during the period of suspension if the defendant:

(1) obtains and uses an ignition interlock device as provided by Article 42A.408 for the entire period of the suspension; and

(2) applies for and receives an occupational driver's license with an ignition interlock designation under Section 521.2465, Transportation Code.

(b) Section 1, Chapter 1067 (H.B. 2246), Acts of the 84th Legislature, Regular Session, 2015, which added Section 13(o), Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.018. (a) Article 42A.454, Code of Criminal Procedure, is amended to conform to Section 1, Chapter 684 (H.B. 372), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

Art. 42A.454. CERTAIN INTERNET ACTIVITY PROHIBITED. (a) This article applies only to a defendant who is required to register as a sex offender under Chapter 62, by court order or otherwise, and:

(1) is convicted of or receives a grant of deferred adjudication community supervision for a violation of Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;

(2) used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62; or

(3) is assigned a numeric risk level of *two* or three based on an assessment conducted under Article 62.007.

(b) If the court grants community supervision to a defendant described by Subsection (a), the court as a condition of community supervision shall:

(1) prohibit the defendant from using the Internet to:

- (A) ~~[(1)]~~ access material that is obscene, as defined by Section 43.21, Penal Code;
- (B) ~~[(2)]~~ access a commercial social networking site, as defined by Article 62.0061(f);
- (C) ~~[(3)]~~ communicate with any individual concerning sexual relations with an individual who is younger than 17 years of age; or
- (D) ~~[(4)]~~ communicate with another individual the defendant knows is younger than 17 years of age; and

(2) *to ensure the defendant's compliance with Subdivision (1), require the defendant to submit to regular inspection or monitoring of each electronic device used by the defendant to access the Internet.*

(c) The court may modify at any time the condition described by Subsection (b)(1)(D) ~~[(b)(4)]~~ if:

- (1) the condition interferes with the defendant's ability to attend school or become or remain employed and consequently constitutes an undue hardship for the defendant; or
- (2) the defendant is the parent or guardian of an individual who is younger than 17 years of age and the defendant is not otherwise prohibited from communicating with that individual.

(b) Section 1, Chapter 684 (H.B. 372), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 13G, Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.019. (a) Subchapter K, Chapter 42A, Code of Criminal Procedure, is amended to conform to Section 3, Chapter 1004 (H.B. 642), Acts of the 84th Legislature, Regular Session, 2015, by adding Article 42A.514 to read as follows:

Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR DRUG RELATED OFFENSES. (a) If a judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or an offense involving possession of a controlled substance or marihuana under Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the judge may require the defendant as a condition of community supervision to attend, as appropriate:

(1) an alcohol awareness program approved under Section 106.115, Alcoholic Beverage Code; or

(2) a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code.

(b) If a judge requires a defendant as a condition of community supervision to attend an alcohol awareness program or drug education program described by Subsection (a), unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay the cost of attending the program. The judge may allow the defendant to pay the cost of attending the program in installments during the term of community supervision.

(b) Section 3, Chapter 1004 (H.B. 642), Acts of the 84th Legislature, Regular Session, 2015, which added Section 11(n), Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.020. (a) Article 42A.559, Code of Criminal Procedure, is amended to conform to Section 2, Chapter 225 (H.B. 1546), Acts of the 84th Legislature, Regular Session, 2015, by amending Subsections (b), (e), and (f) and adding Subsections (g) and (h) to read as follows:

(b) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subsection (f) or (g).

(e) For a defendant who has participated in an educational, vocational, treatment, or work program while confined in a state jail felony facility, ~~not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's~~

sentence,] the Texas Department of Criminal Justice shall *record* ~~[report to the sentencing court]~~ the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. ~~[The contents of a report submitted under this subsection are not subject to challenge by a defendant.]~~

(f) *For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is presumptively entitled to diligent participation credit and who has not been the subject of disciplinary action while confined in the state jail felony facility, the department shall* ~~[A judge, based on the report received under Subsection (e), may]~~ credit against any time *the* [a] defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program.

(g) *For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is not presumptively entitled to diligent participation credit or who has been the subject of disciplinary action while confined in the state jail felony facility, the department shall, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, report to the sentencing court the record of the number of days under Subsection (e). The contents of a report submitted under this subsection are not subject to challenge by a defendant. A judge, based on the report, may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program.*

(h) A time credit under Subsection (f) or (g) ~~[this subsection]~~ may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility. A defendant may not be awarded a time credit under Subsection (f) or (g) ~~[this subsection]~~ for any period during which the defendant is subject to disciplinary *status* ~~[action]~~. A time credit under Subsection (f) or (g) ~~[this subsection]~~ is a privilege and not a right.

(b) Section 2, Chapter 225 (H.B. 1546), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 15(h), Article 42.12, Code of Criminal Procedure, is repealed.

SECTION 23.021. (a) Article 42A.751(e), Code of Criminal Procedure, is amended to conform to Section 1, Chapter 687 (H.B. 518), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(e) A judge may revoke without a hearing the community supervision of a defendant who is imprisoned in a penal institution if the defendant in writing before a court of record *or a notary public* in the jurisdiction where the defendant is imprisoned:

- (1) waives the defendant's right to a hearing and to counsel;
- (2) affirms that the defendant has nothing to say as to why sentence should not be pronounced against the defendant; and
- (3) requests the judge to revoke community supervision and to pronounce sentence.

(b) Section 1, Chapter 687 (H.B. 518), Acts of the 84th Legislature, Regular Session, 2015, which amended Section 21(b-2), Article 42.12, Code of Criminal Procedure, is repealed.

ARTICLE 24. REDESIGNATIONS

SECTION 24.001. The following provisions of enacted codes are redesignated to eliminate duplicate citations:

(1) Section 251.725, Alcoholic Beverage Code, as added by Chapter 241 (S.B. 680), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 251.726, Alcoholic Beverage Code.

(2) Chapter 506, Business & Commerce Code, as added by Chapter 794 (H.B. 2739), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Chapter 507, Business & Commerce Code, and Section 506.001, Business & Commerce Code, as added by that Act, is redesignated as Section 507.001, Business & Commerce Code.

(3) Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (H.B.

3791), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Article 2.1396, Code of Criminal Procedure.

(4) Subdivision (5), Section 2, Article 38.01, Code of Criminal Procedure, as added by Chapter 1276 (S.B. 1287), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subdivision (6), Section 2, Article 38.01, Code of Criminal Procedure.

(5) Section 21.0487, Education Code, as added by Chapter 755 (H.B. 2014), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 21.0488, Education Code.

(6) Subchapter E, Chapter 107, Family Code, as added by Chapter 571 (H.B. 3003), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subchapter G, Chapter 107, Family Code, and Sections 107.061, 107.062, 107.063, 107.064, 107.065, 107.066, 107.067, 107.068, 107.069, 107.070, 107.071, and 107.072, Family Code, as added by that Act, are redesignated as Sections 107.251, 107.252, 107.253, 107.254, 107.255, 107.256, 107.257, 107.258, 107.259, 107.260, 107.261, and 107.262, Family Code, respectively.

(7) Subchapter F, Chapter 107, Family Code, as added by Chapter 571 (H.B. 3003), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subchapter H, Chapter 107, Family Code, and Sections 107.101, 107.102, 107.103, 107.104, 107.105, 107.106, 107.107, and 107.108, Family Code, as added by that Act, are redesignated as Sections 107.301, 107.302, 107.303, 107.304, 107.305, 107.306, 107.307, and 107.308, Family Code, respectively.

(8) Section 262.011, Family Code, as added by Chapter 455 (H.B. 331), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 262.012, Family Code.

(9) Subchapter C, Chapter 265, Family Code, as added by Chapter 1257 (H.B. 2630), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subchapter D, Chapter 265, Family Code, and Sections 265.101, 265.102, 265.103, 265.104, and 265.105, Family Code, as added by that Act, are redesignated as Sections 265.151, 265.152, 265.153, 265.154, and 265.155, Family Code, respectively.

(10) Chapter 36, Government Code, as added by Chapter 935 (H.B. 2398), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Chapter 38, Government Code, and Sections 36.001, 36.002, and 36.003, Government Code, as added by that Act, are redesignated as Sections 38.001, 38.002, and 38.003, Government Code, respectively.

(11) Section 402.038, Government Code, as added by Chapter 105 (H.B. 3327), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 402.039, Government Code.

(12) Section 411.0208, Government Code, as added by Chapter 1221 (S.B. 1853), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 411.02095, Government Code.

(13) Section 442.030, Government Code, as added by Chapter 445 (H.B. 3868), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 442.031, Government Code.

(14) Section 442.030, Government Code, as added by Chapter 556 (H.B. 2332), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 442.032, Government Code.

(15) Section 501.068, Government Code, as added by Chapter 406 (H.B. 2189), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 501.069, Government Code.

(16) Section 531.00553, Government Code, as added by Chapter 1209 (S.B. 1540), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 531.00554, Government Code.

(17) Subsection (q), Section 531.102, Government Code, as added by Chapter 945

(S.B. 207), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (x), Section 531.102, Government Code.

(18) Section 533.0061, Government Code, as added by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 533.0065, Government Code.

(19) Section 656.002, Government Code, as added by Chapter 111 (S.B. 389), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 656.003, Government Code.

(20) Section 662.061, Government Code, as added by Chapter 272 (H.B. 369), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 662.063, Government Code.

(21) Section 662.061, Government Code, as added by Chapter 503 (H.B. 194), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 662.064, Government Code.

(22) Section 662.155, Government Code, as added by Chapter 686 (H.B. 504), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 662.156, Government Code.

(23) Section 2054.134, Government Code, as added by Chapter 965 (S.B. 1877), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 2054.135, Government Code.

(24) Subsection (d-1), Section 2306.185, Government Code, as added by Chapter 817 (H.B. 3576), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (d-5), Section 2306.185, Government Code.

(25) Subsection (g), Section 81.046, Health and Safety Code, as added by Chapter 789 (H.B. 2646), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (h), Section 81.046, Health and Safety Code.

(26) Section 105.009, Health and Safety Code, as added by Chapter 1088 (H.B. 2696), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 105.010, Health and Safety Code.

(27) Chapter 118, Health and Safety Code, as added by Chapter 1123 (H.B. 3781), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Chapter 119, Health and Safety Code, and Sections 118.001, 118.051, 118.052, 118.053, 118.054, 118.055, 118.056, 118.101, 118.102, 118.103, 118.104, 118.105, 118.106, and 118.107, Health and Safety Code, as added by that Act, are redesignated as Sections 119.001, 119.051, 119.052, 119.053, 119.054, 119.055, 119.056, 119.101, 119.102, 119.103, 119.104, 119.105, 119.106, and 119.107, Health and Safety Code, respectively.

(28) Subsection (d), Section 712.0444, Health and Safety Code, as added by Chapter 19 (S.B. 656), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (e), Section 712.0444, Health and Safety Code.

(29) Section 161.088, Human Resources Code, as added by Chapters 826 (H.B. 4001) and 1200 (S.B. 1385), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 161.089, Human Resources Code.

(30) Section 55.009, Occupations Code, as added by Chapter 1193 (S.B. 1307), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 55.010, Occupations Code.

(31) Subsection (l), Section 1701.253, Occupations Code, as added by Chapter 642 (S.B. 1987), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (m), Section 1701.253, Occupations Code.

(32) Sections 1701.261 and 1701.262, Occupations Code, as added by Chapter 725 (H.B. 1338), Acts of the 84th Legislature, Regular Session, 2015, are redesignated as Sections 1701.264 and 1701.265, Occupations Code, respectively.

(33) Section 1701.262, Occupations Code, as added by Chapter 1056 (H.B. 2053), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 1701.266, Occupations Code.

(34) Subchapter M, Chapter 11, Parks and Wildlife Code, as added by Chapter 1181 (S.B. 1132), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subchapter N, Chapter 11, Parks and Wildlife Code, and Section 11.351, Parks and Wildlife Code, as added by that Act, is redesignated as Section 11.401, Parks and Wildlife Code.

(35) Section 21.16, Penal Code, as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 21.17, Penal Code.

(36) Section 225.102, Transportation Code, as added by Chapter 16 (S.B. 489), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.110, Transportation Code.

(37) Section 225.102, Transportation Code, as added by Chapter 276 (H.B. 598), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.111, Transportation Code.

(38) Section 225.102, Transportation Code, as added by Chapter 316 (H.B. 1187), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.112, Transportation Code.

(39) Section 225.102, Transportation Code, as added by Chapter 714 (H.B. 1237), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.113, Transportation Code.

(40) Section 225.102, Transportation Code, as added by Chapter 1233 (S.B. 2041), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.114, Transportation Code.

(41) Section 225.103, Transportation Code, as added by Chapter 296 (H.B. 2181), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.115, Transportation Code.

(42) Section 225.103, Transportation Code, as added by Chapter 349 (H.B. 1044), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.116, Transportation Code.

(43) Section 225.103, Transportation Code, as added by Chapter 458 (H.B. 481), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.117, Transportation Code.

(44) Section 225.103, Transportation Code, as added by Chapter 1233 (S.B. 2041), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.118, Transportation Code.

(45) Section 225.105, Transportation Code, as added by Chapter 13 (S.B. 227), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.119, Transportation Code.

(46) Section 225.105, Transportation Code, as added by Chapter 271 (H.B. 219), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.120, Transportation Code.

(47) Section 225.106, Transportation Code, as added by Chapter 35 (S.B. 288), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.108, Transportation Code.

(48) Section 225.106, Transportation Code, as added by Chapter 506 (H.B. 663), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.121, Transportation Code.

(49) Section 225.106, Transportation Code, as added by Chapter 566 (H.B. 2540), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 225.122, Transportation Code.

(50) Section 502.004, Transportation Code, as added by Chapter 67 (S.B. 449), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 502.005, Transportation Code.

(51) Subsections (j) and (k), Section 504.315, Transportation Code, as added by

Chapter 34 (S.B. 193), Acts of the 84th Legislature, Regular Session, 2015, are redesignated as Subsections (n) and (o), Section 504.315, Transportation Code, respectively.

(52) Subsection (j), Section 504.315, Transportation Code, as added by Chapter 716 (H.B. 1273), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Subsection (p), Section 504.315, Transportation Code.

(53) Section 504.320, Transportation Code, as added by Chapter 335 (H.B. 127), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 504.321, Transportation Code.

(54) Section 504.320, Transportation Code, as added by Chapter 1012 (H.B. 923), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 504.322, Transportation Code.

(55) Section 504.649, Transportation Code, as added by Chapter 942 (H.B. 4099), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 504.666, Transportation Code.

(56) Section 504.665, Transportation Code, as added by Chapter 41 (S.B. 742), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 504.667, Transportation Code.

(57) Section 504.665, Transportation Code, as added by Chapter 454 (H.B. 315), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 504.668, Transportation Code.

SECTION 24.002. The following changes are made to conform the provisions amended to the redesignating changes made by Section 24.001 of this Act and to correct cross-references:

(1) Section 251.72, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.72. CHANGE OF STATUS. Except as provided in Sections 251.725, 251.726, 251.73, and 251.80, an authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

(2) Subsections (a) and (d), Section 107.256, Family Code, as redesignated from Subsections (a) and (d), Section 107.066, Family Code, by Section 24.001 of this Act, are amended to read as follows:

(a) An office described by Section 107.254 ~~[107.064]~~ or 107.255 ~~[107.065]~~ may be a governmental entity or a nonprofit corporation operating under a written agreement with a governmental entity, other than an individual judge or court.

(d) In creating an office of child representation or office of parent representation under this section, the commissioners court shall specify or the commissioners courts shall jointly specify, as applicable:

(1) the duties of the office;

(2) the types of cases to which the office may be appointed under this chapter and the courts in which an attorney employed by the office may be required to appear;

(3) if the office is a nonprofit corporation, the term during which the contract designating the office is effective and how that contract may be renewed on expiration of the term; and

(4) if an oversight board is established under Section 107.262 ~~[107.072]~~ for the office, the powers and duties that have been delegated to the oversight board.

(3) Subsection (a), Section 107.305, Family Code, as redesignated from Subsection (a), Section 107.105, Family Code, by Section 24.001 of this Act, is amended to read as follows:

(a) Unless a program uses a review committee appointed under Section 107.306 [107.106], a program under this subchapter must be directed by a person who:

- (1) is a member of the State Bar of Texas;
- (2) has practiced law for at least three years; and
- (3) has substantial experience in the practice of child welfare law.

(4) Subsection (b), Section 107.306, Family Code, as redesignated from Subsection (b), Section 107.106, Family Code, by Section 24.001 of this Act, is amended to read as follows:

(b) Each member of the committee:

(1) must meet the requirements described by Section 107.305(a) [107.105(a)] for the program director;

(2) may not be employed as a prosecutor; and

(3) may not be included on or apply for inclusion on the public appointment list.

(5) Subsection (b), Section 261.3025, Family Code, is amended to read as follows:

(b) The report must include the following information for the preceding calendar year:

(1) the number of law enforcement officers who completed the training program established under Section 1701.266 [1701.262], Occupations Code;

(2) the number of children who have been placed on the child safety check alert list and the number of those children who have been located; and

(3) the number of families who have been placed on the child safety check alert list and the number of those families who have been located.

(6) Subsection (d), Section 264.201, Family Code, is amended to read as follows:

(d) The services may include in-home programs, parenting skills training, youth coping skills, and individual and family counseling. If the department requires or a court orders parenting skills training services through a parenting education program, the program must be an evidence-based or promising practice parenting education program described by Section 265.151 [265.101] that is provided in the community in which the family resides, if available.

(7) Subsection (a-1), Section 265.004, Family Code, is amended to read as follows:

(a-1) The department shall ensure that not less than 75 percent of the money appropriated for parenting education programs under Subsection (a) funds evidence-based programs described by Section 265.151(b) [265.101(b)] and that the remainder of that money funds promising practice programs described by Section 265.151(c) [265.101(c)].

(8) Subsection (a), Section 38.003, Government Code, as redesignated from Subsection (a), Section 36.003, Government Code, by Section 24.001 of this Act, is amended to read as follows:

(a) The judge of a county, justice, or municipal court, in accordance with Section 38.002 [36.002], may award money from a judicial donation trust fund established under Section 38.001 [36.001] to eligible children or families who appear before the court for a truancy or curfew violation or in another misdemeanor offense proceeding before the court.

(9) Subsection (b), Section 656.023, Government Code, is amended to read as follows:

(b) A form prescribed by the commission under Subsection (a) must include a space for a state agency to list a military occupational specialty code as provided by Section 656.003 [656.002].

(10) Subsection (e), Section 2306.185, Government Code, as amended by Chapters 643 (S.B. 1989) and 817 (H.B. 3576), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(e) Subsections (c), (d), (d-1), (d-2), (d-3), [and] (d-4), and (d-5) and Section 2306.269 apply only to multifamily rental housing developments to which the department is providing one or more of the following forms of assistance:

(1) a loan or grant in an amount greater than 33 percent of the market value of the development on the date the recipient completed the construction of the development;

(2) a loan guarantee for a loan in an amount greater than 33 percent of the market value of the development on the date the recipient took legal title to the development; or

(3) a low income housing tax credit.

(11) Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 38 [36], Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

(12) Subsection (m), Section 1701.402, Occupations Code, is amended to read as follows:

(m) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete an education and training program on the Texas Crime Information Center's child safety check alert list established by the commission under Section 1701.266 [1701.262].

(13) Subsection (a-1), Section 504.009, Transportation Code, is amended to read as follows:

(a-1) On request, the Texas Military Department, as defined by Section 437.001, Government Code, shall issue a souvenir version of the specialty license plate described by Section 504.322 [504.320].

ARTICLE 25. EFFECTIVE DATE

SECTION 25.001. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; passed the House on May 18, 2017: Yeas 143, Nays 0, two present not voting.

Filed without signature June 1, 2017.

Effective September 1, 2017, except Section 8.122(b) takes effect September 1, 2019.

USE OF THE SKILLS DEVELOPMENT FUND TO FACILITATE THE RELOCATION TO OR EXPANSION IN THIS STATE OF EMPLOYERS OFFERING COMPLEX OR HIGH-SKILLED EMPLOYMENT OPPORTUNITIES

CHAPTER 325

H.B. No. 108

AN ACT

relating to the use of the skills development fund to facilitate the relocation to or expansion in this state of employers offering complex or high-skilled employment opportunities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 303, Labor Code, is amended by adding Section 303.0031 to read as follows:

Sec. 303.0031. USE OF SKILLS DEVELOPMENT FUND TO RECRUIT CERTAIN EMPLOYERS. (a) In this section, "public junior college" and "public technical institute" have the meanings assigned by Section 61.003, Education Code.

(b) In addition to the purposes described by Section 303.001, the commission may use the skills development fund to provide an intensive and rapid response to, and support